

By Mr. WALSH: A bill (H. R. 7619) granting an increase of pension to John Edmundson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7620) granting a pension to Deborah B. Lincoln; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 7621) granting a pension to Martha J. Sutherland; to the Committee on Invalid Pensions.

By Mr. RODENBERG: Resolution (H. Res. 182) to provide for the compensation of W. Ray Loomis; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of sundry citizens of Florence, Mass., for the repeal of the so-called daylight-saving law; to the Committee on Agriculture.

By Mr. BABKA: Petition of citizens of Cleveland, Ohio, urging repeal of tax on candies, ice cream, and soda-fountain foods and drinks; to the Committee on Ways and Means.

By Mr. BEE: Petition by citizens of San Antonio, Tex., for the repeal of the luxury tax on sodas, soft drinks, and ice cream; to the Committee on Ways and Means.

By Mr. CAREW: Petition of Central Bureau of Extension Table Manufacturers, by M. Wulpi, secretary, urging the retention of zone advances; to the Committee on the Post Office and Post Roads.

By Mr. EMERSON: Petition of sundry citizens of Cleveland, Ohio, asking repeal of tax on ice cream and soft drinks; to the Committee on Ways and Means.

Also, petition of the Brotherhood of Railroad Trainmen in favor of league of nations; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of the Chamber of Commerce of the city of Milwaukee, Wis., urging the passage of House bill 5516 for the transfer of United States Coast Guard from the Treasury Department to the Navy; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Carpenters' Union, No. 1143, of La Crosse, Wis., urging 2.75 per cent beer and protesting against war-time prohibition; to the Committee on the Judiciary.

Also, petition of the Central Bureau of Extension Table Manufacturers, of Chicago, Ill., for the retention of the zone advances; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Petition of Thompson & Taylor Spice Co., of Chicago, Ill., favoring provision in the prohibition-enforcement act to permit the legitimate manufacture of flavoring extracts for food purposes; to the Committee on the Judiciary.

By Mr. JAMES: Petition of sundry citizens of Crystal Falls, Mich., urging repeal of tax on sodas, ice cream, and soft drinks; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Resolution of Padriac Pearce Branch, Friends of Irish Freedom, of Woonsocket, R. I., requesting investigation of propaganda directed against and intended to undermine American institutions, to break down American policies, and to involve the United States in purely European affairs in which the United States has no interest; to the Committee on Rules.

By Mr. LUFKIN: Petition of the Barbers' Union, No. 375, of Gloucester, Mass., in favor of a league of nations; to the Committee on Foreign Affairs.

By Mr. MONAHAN of Wisconsin: Resolution adopted by the board of directors of Milwaukee (Wis.) Chamber of Commerce July 15, approving transfer of United States Coast Guard from the Treasury Department to the Navy, as proposed in House bill 5516; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: Petition of the New York Business Publishers' Association, of New York City, protesting against repeal of daylight-saving law; to the Committee on Agriculture.

By Mr. ROWAN: Petition of the Federal Employees' Union, No. 49, of Leavenworth, Kans., urging the passing of the Lehlbach retirement bill; to the Committee on Labor.

By Mr. SNELL: Petition of sundry citizens of Port Henry, N. Y., favoring the repeal of tax on sodas, soft drinks, and ice cream; to the Committee on Ways and Means.

Also, petition of sundry citizens of Newman, N. Y., protesting against the tax on sodas, soft drinks, and ice cream; to the Committee on Ways and Means.

SENATE.

MONDAY, July 21, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come reverently before Thee and take Thy name upon our lips with godly fear. Thou art the eternal, the uncreated God. Thou dost preside over the destinies of the world. Thou has revealed Thy law to men. We pray for wisdom that will enable us to see the force and truth and power of Thy law. We pray for grace that we may love Thy law and keep Thy commandments. Guide us, we pray Thee, this day by Thy spirit, ever present with us in the discharge of the duties of this office and in the fear of God. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CABLEGRAM FROM THE BRAZILIAN NATIONAL CONGRESS.

The VICE PRESIDENT. The Chair lays before the Senate a cablegram addressed to the President of the Senate, which will be read.

The cablegram was read and referred to the Committee on Foreign Relations, as follows:

[Telegram—Rio de Janeiro.]

PRESIDENT OF THE SENATE OF THE UNITED STATES OF AMERICA,
Washington, D. C.:

I have the honor to inform your excellency that the Brazilian National Congress at its session of the 10th instant resolved, by unanimous vote, to enter in its Journal a vote of profound gratefulness to the Parliament, Government, and people of the United States of America for the honors with which they received and distinguished Senator Epitacio Passoa, Brazilian ambassador to the peace conference, on his recent visit to your great Republic, which honors the congress accepts as further and convincing proof of the good relations of friendship that bind the two sister Republics. I extend to your excellency my assurances of high consideration.

A. AZEREDO,

President of the National Congress.

CONSTRUCTION OF HIGHWAYS (S. DOC. NO. 55).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Acting Secretary of Agriculture, transmitting, in response to a resolution of the 1st instant, certain information relative to the quantity and description of war material, equipment, supplies, and so forth, which will be required for the use and improvement of highways. The communication will lie on the table for the present until the Senator from Utah [Mr. KING], who submitted the resolution of inquiry, states what action he wishes taken with regard to it.

Mr. KING subsequently said: Mr. President, I ask that the communication laid before the Senate this morning by the Chair and ordered to lie on the table be printed in the RECORD and also as a document.

The VICE PRESIDENT. Without objection, it is so ordered. The communication is as follows:

DEPARTMENT OF AGRICULTURE.

To the Senate:

Pursuant to Senate resolution 108 I have the honor to report as follows:

It is observed that the resolution directs the Secretary of Agriculture "to report to the Senate the quantity and description of war material, equipment, and supplies, particularly the number and description of cars, trucks, and tractors, which will be required for the use and improvement of highways, and which were authorized to be distributed among the highway departments of the several States to be used on the roads constructed in whole or in part by Federal aid as provided by section 7 of the act entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes,' approved February 28, 1919."

Highway construction and improvement under the original Federal aid road act, approved July 11, 1916, as amended by the above-mentioned act, approved February 28, 1919, covers a period of several years, and this department does not know what the final requirements of each State highway department will be. The Senate is, of course, aware that during the war highway construction moved slowly on account of shortage in labor and the control of building material for war purposes. It has only been recently that the several State highway departments have been able to begin active operations on their respective new programs, which can not be compared in importance and size with the work which was done during any preceding year. The department regrets, therefore, that it can not state accurately what the final requirements of the respective State highway departments will be and can only report to you what is being done by the department pursuant to section 7 of the above-mentioned act approved February 28, 1919, which is as follows:

"Sec. 7. That the Secretary of War be, and he is hereby, authorized, in his discretion, to transfer to the Secretary of Agriculture all available war material, equipment, and supplies not needed for the purposes of the War Department but suitable for use in the improvement of highways, and that the same be distributed among the highway departments of the several States to be used on roads constructed in whole or in part by Federal aid, such distribution to be ~~made~~ upon a value basis of distribution the same as provided by the Federal aid road act approved July 11, 1916: *Provided*, That the Secretary of Agriculture, at

his discretion, may reserve from such distribution not to exceed 10 per cent of such material, equipment, and supplies for use in the construction of national forest roads or other roads constructed under his direct supervision.

At the time section 7 above mentioned was enacted into law it was impossible for the Secretary of War immediately to determine what war material, equipment, and supplies would not be needed for the purposes of the War Department. However, the urgent requirements of the several State highway departments in the matter of beginning active work on their enlarged programs made it necessary to distribute as soon as possible such of the material, equipment, and supplies as it became available.

CANVASS OF STATES.

Immediately following the approval of the Post Office appropriation act, section 7 of which is quoted above, this department ascertained from the War Department the general classes and character of the equipment and supplies "which might become" available for distribution to the States, following the determination by the War Department of the equipment and supplies no longer needed for the purposes of the War Department. In order to determine the amount of equipment and supplies that the States would need for the purposes of highway improvement the following letter was sent under date of March 12 to each of the State highway departments:

GENTLEMEN: Referring to our letter of the 11th instant there is inclosed a list of materials and equipment, some of which it may be possible to obtain from the War Department.

In making your requests it is advisable to have them in as much detail as possible. For example, should you request any steam shovels, motor trucks, tractors, trailers, dredges, concrete mixers, etc., please state such details as size, weight, capacity, etc.

LIST OF MATERIALS AND EQUIPMENT.

Machine tools, engineering and construction equipment: All metal and woodworking tools; steam shovels; hand tools; forging equipment; iron and structural workers' power tools and machinery; contractors' equipment, such as dredges, ditchers, concrete mixers; industrial railways, etc.

Building material: Water supply, fabricated steel, roofing, wall board, paints, hardware, cement, heating, electrical equipment, power plant, machinery.

Truck and motor equipment: Trucks; trailers; animal and hand-drawn vehicles.

General supplies: Tentage, paulins; harness, saddlery; saddlers' supplies; shelf and heavy hardware; tools, handles, tool chests, containers; mess, camp, and kitchen equipment; brooms and brushes; hemp and jute products.

Remount: Horses and mules.

Raw and scrap materials: Explosives.

Ordnance and ordnance stores: Tractors and trailers; caterpillars.

In response to this inquiry a number of the States submitted detailed statements and descriptions of the items they would need. Others took the position that they wish to receive their quota of any of the items contained in the above list which might be declared surplus by the War Department. In order to arrive at a more definite statement of the needs of the States a second canvass relative to various items was made under each of the following dates: April 24, May 7, and June 10. These two canvasses have been further supplemented by a large number of communications to and from the State highway departments, and by personal conferences with the executive officers of the State highway departments. Based on the information secured from these sources this department believes that the following lists, classified under the several headings, set forth the needs of the States as accurately as they can be determined at the present time. At different times, as the Secretary of War found that certain war materials, equipment, and supplies were not needed for the purposes of the War Department, he has made allotments to this department for the purpose of distribution, covering, in general, items appearing on the above list. Such lists are now being received from the Secretary of War from time to time.

MOTOR TRUCKS AND MOTOR CARS.

The Secretary of War has on four different occasions declared in the aggregate 24,000 motor trucks of all sizes and different makes to be available for distribution, and he has also declared 1,075 Ford touring cars and 550 used passenger cars of other makes likewise available. Of the 24,000 motor trucks, a total of 20,519 have been allotted among the several State highway departments as shown by the list hereinafter set out, and the entire number of Ford and other used cars have been allotted, as shown by said list. Definite shipping instructions have been given the War Department for more than 13,500 of these trucks and cars. The allotment as shown by the said list is final.

	Trucks.				Fords, first.	Other autos, first.
	First.	Second.	Third.	Fourth.		
1. Alabama.....	116	50	85	180	21	11
2. Arizona.....	76	33	56	117	14	6
3. Arkansas.....	92	39	69	143	17	8
4. California.....	165	72	124	261	30	15
5. Colorado.....	97	41	71	149	17	9
6. Connecticut.....	34	14	25	51	6	4
7. Delaware.....	9	4	7	14	2	1
8. Florida.....	63	28	46	99	11	6
9. Georgia.....	146	66	110	231	27	4
10. Idaho.....	68	30	49	104	12	6
11. Illinois.....	249	105	178	375	44	22
12. Indiana.....	149	66	110	231	27	14
13. Iowa.....	158	70	117	250	29	15
14. Kansas.....	157	70	117	249	29	15
15. Kentucky.....	107	47	79	167	19	10
16. Louisiana.....	71	33	56	117	14	7
17. Maine.....	52	23	38	83	10	5
18. Maryland.....	48	22	35	75	9	4
19. Massachusetts.....	81	35	61	126	15	7
20. Michigan.....	159	70	117	250	29	15
21. Minnesota.....	155	68	116	244	28	14
22. Mississippi.....	58	42	73	153	18	9
23. Missouri.....	183	82	138	291	34	17
24. Montana.....	110	48	82	173	20	10

	Trucks.				Fords, first.	Other autos, first.
	First.	Second.	Third.	Fourth.		
25. Nebraska.....	117	51	87	185	21	11
26. Nevada.....	72	30	52	111	13	7
27. New Hampshire.....	22	10	16	35	4	2
28. New Jersey.....	65	29	49	102	12	6
29. New Mexico.....	89	39	65	138	16	8
30. New York.....	273	119	202	427	50	25
31. North Carolina.....	127	55	93	195	23	12
32. North Dakota.....	85	38	63	132	15	8
33. Ohio.....	203	89	151	318	37	19
34. Oklahoma.....	127	55	95	199	23	12
35. Oregon.....	88	38	64	135	16	8
36. Pennsylvania.....	252	109	187	394	46	23
37. Rhode Island.....	13	5	9	21	2	1
38. South Carolina.....	79	34	59	124	14	8
39. South Dakota.....	90	39	66	138	16	9
40. Tennessee.....	123	54	92	193	22	11
41. Texas.....	321	141	237	500	58	30
42. Utah.....	64	28	46	99	11	6
43. Vermont.....	25	11	19	40	5	3
44. Virginia.....	108	47	81	170	20	10
45. Washington.....	81	34	59	124	14	7
46. West Virginia.....	58	26	43	90	11	5
47. Wisconsin.....	140	60	104	217	25	13
48. Wyoming.....	69	30	49	104	12	6
Forestry.....	25	92	32
Public Roads.....	66	42	44	354	75	55
Total.....	5,428	2,371	3,949	8,771	1,075	550

CONSTRUCTION AND OPERATING EQUIPMENT.

A request for construction and operating equipment, based on the estimated needs of the several States, was sent to the War Department. The Secretary of War, in replying to the request, stated that the War Department would deliver to the Department of Agriculture out of the surplus in the United States or France a sufficient amount of equipment to meet the estimate, which is as follows:

400 road rollers, steam and gas driven.
700 concrete mixers.
600 road graders.
400 elevating graders.
200 sprinkling wagons.
200 road oilers.
125 derricks, 30 to 60 feet boom.
100 pile-driver outfits complete.
200 complete air-drill outfits.
250 steam pumps, up to 4 inches.
150 centrifugal pumps, up to 4 inches, with power.
75 diaphragm pumps, gasoline driven.
500 rock-crushing outfits complete, capacity 125 tons to 200 tons per day.
200 clamshell, orange peel, and bottom-dump buckets.
125 road scarifiers.
50 caterpillar and drag-line excavators.
700 road and railroad plows.
300 roofer plows.
160 automotive cranes.
3,600 trailers for tractors.
1,000 miles industrial railway track.
200 industrial railway locomotives.
3,500 industrial railway dump cars.
15,000 feet rubber hose.
5,000 feet steam hose.
40 portable asphalt plants.
200 steam shovels, capacity 1 yard or less.
6,500 dump wagons.
250 conveyors, gravity and power.
35 donkey, 200 hoisting, and 75 gasoline engines, 5 to 30 horsepower.
375 complete steam-drill outfits.
250 portable air-compressor outfits with power.
100 boilers, 15 to 40 horsepower.
275 electric motors, 2 to 50 horsepower.
1,300 pulley blocks.
6,000 drag scrapers.
2,000 Fresno scrapers.
6,000 wheel scrapers.
500 Maney 4-wheel scrapers.
300 stump pullers.
500 road drags.
4,000 wheelbarrows.
10 dredges.
10 ditching machines.
10 trenching machines.
6 back-filling machines.
200 screening plants.
100 wagon loaders.
400 blasting machines complete.
100,000 feet hoisting cable from $\frac{1}{4}$ to 1 inch in diameter.
10,000 feet air hose.
100,000 linear feet Manila rope, 1 $\frac{1}{2}$ to 2 inches in size.
It is thought that the final requirements of the several State highway departments will be in excess of this estimate.

CONSTRUCTION MATERIALS.

The following list of construction materials is based on the estimated needs of the several States, ascertained as hereinbefore described:

550,000 barrels of bituminous binders.
50,000 linear feet prepared joint filler.
2,110,000 bags Portland cement.
1,000,000 tons gravel.
1,000,000 tons crushed stone.
Brick, all available.
5,000,000 feet bridge, form, and building lumber.
40,000 linear feet steel forms for concrete road construction.
120 carloads corrugated metal culvert.

150 miles of steel or iron pipe from $\frac{1}{2}$ to 3 inches in diameter, with fittings.

1,186 tons structural steel.
10,000 tons reinforcing steel.
16,000 tons sheet-metal roofing.
2,000 tons wire fencing.
674,000 industrial railroad ties.
10,000 gallons paint for wood and steel bridges, guard rails, etc.
50 tons nails.
35 tons spikes.
20 tons bolts.
10 tons nuts, threaded.
10 tons nuts, blanks.
56,025 linear feet cast-iron culvert pipe from 12 to 36 inches in diameter.

10,000,000 pounds T. N. T.
109,240 exploders.
2,000 miles telephone wire.
50 permanent wall telephone sets complete, with accessories.
100 portable telephone sets complete, with accessories.
1,000 sets single heavy work harness.
3,000 sets heavy double work harness.
600 concrete buggies.
4,404 high-speed trailers for trucks.
These materials are being allotted to the several State highway departments as different items appearing herein are declared by the Secretary of War to be available for distribution. Shipping directions have been given for the following amounts:
2,000 bags Portland cement.
3,942 industrial railroad ties.
12 kegs spikes.
37,921 linear feet cast-iron culvert pipe.
41,800 exploders.
72 concrete buggies.

FIELD AND OFFICE EQUIPMENT.

The following list of field and office equipment is based on the estimated needs of the several States, ascertained as hereinbefore described:

1,062 engineer's transits.
1,146 engineer's levels.
1,188 Abney levels.
3,055 steel tapes.
1,440 level rods.
50 range poles.
180 metallic tapes.
2 universal testing machines, capacity 200,000 pounds.
400 rolls drafting paper.
110 rolls tracing cloth.
130 rolls blue-print paper.
120 rolls cross-section paper.
2,000 engineer's notebooks.
88 calculating machines.
6 pantographs.
228 universal drafting machines.
592 planimeters.
366 adding machines.
63 comptometers.
507 typewriters.
10 blue-print machines.
283 office desks.
198 typewriter desks.
480 office tables.
326 drafting tables.
365 drafting stools.
315 field office desks.
299 revolving office chairs.
805 office chairs.
3,387 units filing cases.
100 sets drafting instruments.
100 sets assorted outfits, drafting supplies.
100 pocket compasses.
100 stadia hand transits.
100 hand levels.
30 pedometers.
30 odometers.
60 steel tape-mending outfits.
9 plane tables.
108 aneroid barometers.

These materials are being allotted to the several State highway departments as different items appearing herein are declared by the Secretary of War to be available for distribution. Shipping directions have been given for the following amounts:

258 engineer's transits.
284 engineer's levels.
128 Abney levels.
95 steel tapes.
165 level rods.
40 range poles.
365 drafting stools.
140 field office desks.
16 office chairs.
3 calculating machines.
28 universal drafting machines.
14 planimeters.
6 adding machines.
8 comptometers.
58 typewriters.
19 office desks.

CAMP MESS AND KITCHEN EQUIPMENT.

The following list of camp mess and kitchen equipment is based on the estimated needs of the several States, ascertained as hereinbefore described:

460 complete outfits of mess and kitchen equipment for units of various sizes averaging 40 men.
100 sets assorted kitchen utensils.
200 sets assorted dining room outfits.
23,000 galvanized iron buckets.
320 field ranges.
560 Sibley stoves.
120 heating stoves for tents.

140 medicine chests, complete.
17,000 tents from 10 by 10 to corral tents.

25,100 Army blankets.
316,000 square feet of tarpaulins, assorted sizes.
These materials are being allotted to the several State highway departments as different items appearing herein are declared by the Secretary of War to be available for distribution. Shipping directions have been given for the following amounts:

5,414 galvanized iron buckets.
17,563 tents.
25,087 Army blankets.

In the States where convict labor is largely employed camp mess and kitchen equipment is of great value in properly maintaining the necessary crews in the field, and in the States where great difficulty is being experienced in securing contractors to undertake road construction a considerable amount of work will have to be done by day labor forces. There will be many more road crews at work in the field this year than during any previous year, and this equipment will be of great advantage in getting such crews organized and operating.

GENERAL SUPPLIES.

The following list of general supplies is based on the estimated needs of the several States, ascertained as hereinbefore described:

100 sets shelf and heavy hardware, assorted supplies.
4,200 axes, with handles.
1,600 ax handles.
1,680 adzes.
1,200 brush hooks.
1,900 crowbars.
1,080 cant hooks.
300 grindstones.
240 carborundum grinders.
1,000 hammers, assorted sizes.
100 riveting hammers.
2,130 striking hammers.
5,265 hatchets.
574 B. P. machinist hammers.
2,100 shovel handles.
7,050 pick handles.
920 sledge handles.
13,300 picks.
28,866 mattocks.
950 drills.
650 drill bits.
63,000 shovels.
2,000 spades.
1,260 crosscut saws.
475 monkey wrenches.
475 masons' trowels.
475 saw-filing outfits.
12,677 lanterns.
100 acetylene camp lights.
600 paintbrushes.
120 wire brushes.
100 tons drill steel.
10 tons horseshoes.
10 tons mule shoes.
1 ton horseshoe nails.
10 tons solid drill steel, $\frac{3}{4}$, $\frac{1}{2}$, and 1 inch in diameter.
10 tons hollow drill steel, $\frac{3}{4}$, $\frac{1}{2}$, and 1 inch in diameter.
6,000 pounds axle steel, assorted sizes.
6,000 pounds tire steel, assorted sizes.
1,679 log chains.

These materials are being allotted to the several State highway departments, as different items appearing herein are declared by the Secretary of War to be available for distribution. Shipping directions have been given for the following amounts:

6 axes, with handles.
192 ax handles.
106 striking hammers.
514 B. P. machinist hammers.
850 hatchets.
50 shovel handles.
260 pick handles.
3 sledge handles.
3,030 picks.
28,866 mattocks.
51,578 shovels.
2,000 spades.
10,960 lanterns.
150 log chains.

It will be observed that a large portion of the foregoing list consists of hand tools that are used constantly in road construction, particularly in the doing of work involving the drilling and blasting of rock in building or widening roads where rock excavation is encountered.

MACHINE TOOLS, WOODWORKING TOOLS, AND MISCELLANEOUS OUTFITS.

The following list of machine tools, woodworking tools, and miscellaneous outfits is based on the estimated needs of the several States, ascertained as hereinbefore described:

15 complete machine-shop outfits, including lathes, drills, planers, fittings, etc.
3 swing engine lathes, 14 inches to 20 inches.
3 end milling machines.
3 planers.
4 power punches.
3 shapers.
4 power shears.
3 shop-screw presses, 25 tons capacity.
12 complete sets pipe dies, from 3 inches down.
12 complete sets tops and dies for bolts and nuts.
552 complete sets of blacksmith outfits, with forges, anvils, and accessories.
306 complete sets carpenter tools and chests.
11 complete woodworking outfits, including lathes, saws, planers, fittings, and accessories.
12 boring machines.
30 wheelwright outfits, complete.
10 tire setters.
10 farriers' outfits, complete.
6 diving outfits, complete, with pumps.

It is thought that the final requirements of the State highway departments as to a number of the above-mentioned articles will be in excess of this list, particularly blacksmith outfits, as they constitute a necessary adjunct to each well-equipped road crew.

ANIMALS.

The following list of animals is based on the estimated needs of the several States, ascertained as hereinbefore described:

2,050 heavy draft mules.
850 heavy draft horses.
10 saddle horses.

From a number of States we have had urgent requests to supply draft animals for use on trails in new territory, as in the forest areas, where the motor-truck equipment can not be used.

Respectfully,

C. F. MARVIN,
Acting Secretary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 7413) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. FERNALD presented resolutions in the nature of a memorial adopted by Robert Emmet Branch, Friends of Irish Freedom, of Lewiston, Me., remonstrating against the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

Mr. CURTIS. I present a petition signed by sundry discharged soldiers, sailors, and marines, praying for the adoption of an amendment to the war-risk insurance act to provide for monthly payments or lump-sum payments of insurance to beneficiaries upon the death of the person insured. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. CURTIS presented a petition of sundry citizens of Goodland, Kans., and a petition of sundry citizens of Wathena, Kans., praying for the repeal of the luxury tax, which were referred to the Committee on Finance.

Mr. SUTHERLAND presented memorials of sundry citizens of Auburn, Pullman, Smithville, and Harrisville, all in the State of West Virginia, remonstrating against the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Fairmont, Mannington, and Richwood, all in the State of West Virginia, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. KENYON presented a petition of sundry citizens of Monroe and Prairie City, in the State of Iowa, praying for the repeal of the stamp tax on medicines, toilet articles, clothing, etc., which was referred to the Committee on Finance.

Mr. KNOX presented memorials of Thomas Ashe Branch, Friends of Irish Freedom, of Wilmerding, Pa.; of the congregation of the St. Lawrence Catholic Church, of Houtzdale, Pa.; and of sundry citizens of Ottawa County, Okla., remonstrating against the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the monthly meeting of Friends, of Abington, Pa., favoring the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Merchant Tailors' Exchange, of Philadelphia, Pa., praying for the adoption of an amendment to immigration laws to permit the entrance into this country of skilled mechanics, etc., which was referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Ridley Park and Towanda, in the State of Pennsylvania, remonstrating against the repeal of war-time prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Pioneer Lodge, No. 1429, United Brotherhood of Maintenance of Way Employees and Railway Shop Laborers, of Carbondale, Pa., praying for Government ownership and control of railroads, which was referred to the Committee on Interstate Commerce.

Mr. HALE presented a memorial of sundry citizens of Lewiston, Me., remonstrating against the ratification of the proposed league of nations treaty unless some provision is made for recognition of the Irish republic, which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the Corliss Street Free Baptist Church, of Bath, Me., praying for the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. PHIPPS. I present a large number of letters in the form of memorials from citizens of Denver, Henderson, Idaho Springs, Trinidad, Gunnison, Golden, Pueblo, Elizabeth, Sterling, Iliff, Fort Morgan, Colorado Springs, Agate, and Ridgway, in the State of Colorado, remonstrating against the passage of the bills introduced by the Senator from Wyoming [Mr. KENNEDY] and the Senator from Iowa [Mr. KENYON] to stimulate the production, sale, and distribution of live stock and live-stock products. I move that the memorials be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. BECKHAM presented petitions of sundry citizens of Louisville, Ky., praying for the repeal of the so-called luxury tax, which were referred to the Committee on Finance.

Mr. NEWBERRY (for Mr. TOWNSEND) presented a memorial of sundry citizens of Detroit, Mich., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

He also (for Mr. TOWNSEND) presented a petition of sundry citizens of Saginaw, Mich., and a petition of Post Office Clerks, Branch No. 656, of Pueblo, Colo., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. TOWNSEND) presented a petition of sundry citizens of Detroit, Mich., praying for the repeal of the so-called luxury tax, which was referred to the Committee on Finance.

He also (for Mr. TOWNSEND) presented a petition of sundry citizens of Eaton County, Mich., praying for the repeal of the stamp tax on medicines, toilet articles, clothing, etc., which was referred to the Committee on Finance.

Mr. WALSH of Massachusetts presented memorials of employees of Norman & Bennett; of the Armour Leather Co., of Boston; of the Colonial Manufacturing Co.; of the Coffin Valve Co., of Neponset; of the Chadwick-Boston Lead Co.; of the Boston Belting Corporation; of the Gifford-Wood Co.; of the Warren Leather Goods Co., of Worcester; of the Riverside Press; of the Massachusetts Chocolate Co.; of the Thomas Strahan Co.; of the Ira J. Webster Co.; of the Harwood & Quincy Machine Co.; of the L. L. Brown Paper Co., of Adams; of the Condit Electrical Manufacturing Co.; of Thomas P. Nichols & Son Co.; of the Atlantic Chemical Co., of Boston; of the Mason Regulator Co.; of Patterson, Teele & Dennis; of the L. J. Mutty Co.; of the Beckwith Elevator Co.; of the Rockport Granite Co.; of John P. Squire & Co., of Boston; of the Greylock Mills, of North Adams; of the North Adams Manufacturing Co.; of Dodge Bros., of Newburyport; of the A. E. Little Co., of Newburyport; of the Crocker-McElwain Co., of Holyoke; of the Holyoke Water Power Co.; of S. Slater & Sons (Inc.), of Webster; of the Ashton Valve Co., of Cambridge; of the Malden Knitting Mills (Inc.); of the Hunt-Spiller Manufacturing Co., of Boston; of the American Type Founders Co., of Boston; of Joseph Breck & Sons Corporation; of the Huckins & Temple Co., of Milford; of the C. H. Simonds Co., of Boston; of the George Close Co., of Cambridge; of the White & Bagley Co.; of the Griffith-Stillings Press; of the Barrett Co.; of the H. W. Johns-Manville Co., of Boston; and of F. M. Hoyt & Co., of Amesbury, all in the State of Massachusetts, remonstrating against the repeal of the daylight-saving law, which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. WARREN (for Mr. WADSWORTH), from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2494) to transfer the tract of land known as the Lighthouse Reservation at North Point, Md., from the jurisdiction of the Department of Commerce to the jurisdiction of the War Department (Rept. No. 91);

A bill (S. 2495) transferring the tract of land known as Craney Island from the jurisdiction of the War Department to the jurisdiction of the Treasury Department and transferring the tract of land known as Fishermans Island from the jurisdiction of the Treasury Department to the jurisdiction of the War Department (Rept. No. 92); and

A bill (S. 2496) authorizing the retirement of members of the Army Nurse Corps (female) (Rept. No. 93).

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 2476) to amend the act establishing the eastern district of Kentucky, reported it with an amendment.

Mr. MYERS, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 608) for the relief of Orion Mathews (Rept. No. 94);
A bill (S. 609) for the relief of James Duffy (Rept. No. 95);
and

A bill (S. 610) for the relief of Henry J. Davis (Rept. No. 96).
Mr. LENROOT, from the Committee on Military Affairs, to which was referred the bill (S. 2447) for the relief of the Philippine Scouts, reported it with an amendment and submitted a report (Rept. No. 97) thereon.

ELLEN OGLESBY.

Mr. CURTIS. On the 20th of May I introduced the bill (S. 749) for the relief of Ellen Oglesby and it was inadvertently referred to the Committee on Pensions. I ask that the Committee on Pensions be discharged from the further consideration of the bill and that it be referred to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, that action will be taken.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. CHAMBERLAIN:

A bill (S. 2536) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. FRANCE:

A bill (S. 2537) to revive with amendments an act entitled "An act to incorporate the Medical Society of the District of Columbia"; to the Committee on the District of Columbia.

By Mr. LENROOT (by request):

A bill (S. 2538) to authorize the condemnation of fowage rights on lands in Lac Court Oreilles Indian Reservation; to the Committee on Indian Affairs.

By Mr. McNARY:

A bill (S. 2539) for the relief of Preston B. C. Lucas;
A bill (S. 2540) for the relief of W. R. Wells;
A bill (S. 2541) for the relief of William Mortensen; and
A bill (S. 2542) authorizing the Klamath Tribe of Indians to submit claims to the Court of Claims; to the Committee on Claims.

A bill (S. 2543) granting a pension to George W. Dunn;
A bill (S. 2544) granting an increase of pension to Lucy L. Whiteaker;

A bill (S. 2545) granting a pension to Harold A. Salisbury;

A bill (S. 2546) granting a pension to Louise Wamsley;

A bill (S. 2547) granting a pension to Samuel H. Holt; and

A bill (S. 2548) granting a pension to Robert P. Gill; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 2549) providing for the admission of foreign language papers to the second-class mail privileges, and for other purposes; to the Committee on the Judiciary.

A bill (S. 2550) for the relief of John F. Niklaus; to the Committee on Claims.

By Mr. SPENCER:

A bill (S. 2551) granting an increase of pension to Fannie S. Grant; to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 2552) for the relief of the heirs of Gen. Thomas M. Harris; to the Committee on Claims.

A bill (S. 2553) to provide for the purchase of a site and the erection of a public building thereon at Weston, in the State of West Virginia; to the Committee on Public Buildings and Grounds.

By Mr. HARDING:

A bill (S. 2554) for the relief of J. B. Waterman; to the Committee on Claims.

A bill (S. 2555) granting an increase of pension to William M. King; and

A bill (S. 2556) granting a pension to Mrs. S. E. Crumrine; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 2557) granting a pension to William Maguire; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 2558) to establish the Killdeer Mountain National Park in the State of North Dakota, and for other purposes; to the Committee on Public Lands.

By Mr. NEWBERRY (for Mr. TOWNSEND):

A bill (S. 2559) for the relief of Mary E. Cook; to the Committee on Claims.

By Mr. NEWBERRY:

A bill (S. 2560) granting an increase of pension to Edward Newberry;

A bill (S. 2561) granting a pension to Laura Bell; and

A bill (S. 2562) granting an increase of pension to W. W. Waters; to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 2563) for the relief of Ellen B. Monahan; and

A bill (S. 2564) for the relief of Lieut. Commander Edward R. Wilson, Pay Corps, United States Navy; to the Committee on Claims.

A bill (S. 2565) granting an increase of pension to Mary Leahy; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 2566) granting an increase of pension to Amanda F. Mahin;

A bill (S. 2567) granting an increase of pension to Thomas Johnson (with accompanying papers); and

A bill (S. 2568) granting an increase of pension to Salem Bruner (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 2569) granting a pension to Emily J. Proctor (with accompanying papers);

A bill (S. 2570) granting an increase of pension to Robert A. Houston (with accompanying papers); and

A bill (S. 2571) granting an increase of pension to C. C. Colee (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 2572) granting an increase of pension to William F. Craig; and

A bill (S. 2573) granting a pension to Martha Robbins; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 2574) to encourage bank deposits by nonresident foreign corporations and nonresident alien individuals; to the Committee on Finance.

By Mr. HARDING:

A joint resolution (S. J. Res. 73) providing for payment of compensation for services of members of local draft boards who served also as clerks of their respective boards; to the Committee on Military Affairs.

DISCHARGED SOLDIERS, SAILORS, AND MARINES.

Mr. CHAMBERLAIN. I introduce a bill to restore to the colors and granting amnesty to soldiers, sailors, and marines, and to certain other persons. I desire to make a brief statement of the purpose of the bill to the Senate and then I shall ask that it be read.

Mr. President, the latest information I have is that since America entered the war there have been over 320,000 court-martial cases in France and in the United States. I am not giving the exact figures, but the substance of the information which has come to me is that twenty-odd thousand of these court-martial cases were general court-martial cases, and the other, the greater proportion, were summary court-martial cases. The aggregate of the sentences imposed in all these cases amounted to something like 28,000 years. The iniquity of the whole system was called to the attention of the Senate by me on the 31st day of December last, and shortly thereafter some steps were taken to relieve the situation, so far as the injustices were concerned, which were perpetrated against the American Army. A clemency board was appointed by the Secretary of War, and this board has investigated a great many cases, but not all, with the result that recommendations for clemency have been made from time to time, reducing the total amount of sentences from 28,000 years to about 6,700 years.

Mr. President, that very reduction in the aggregate of sentences imposed upon the American youth shows that there were iniquities in the system, that there were injustices perpetrated, and that there ought to be some relief. It must be remembered that under the view taken by the Secretary of War the clemency board has no power to do more than to make recommendations, and there is no power anywhere in the military system to revise or reverse or modify these excessive penalties where the court had jurisdiction and the proceedings have been regular.

The purpose of the bill which I introduce is not only to reduce the sentences to an irreducible minimum, but practically to wipe them all out where the sentences involve less than a felony under the Federal statutes, and to restore to the colors and to duty these young men who have come back to us from France, so that they may then be automatically discharged, as though they had not been charged with crime. It further proposes to refund to these young men who have had forfeitures of pay and allowances the full amount that has been taken from

them; and this applies not only to the Army proper, but it applies to sailors and marines as well, and also to those in the military and naval service of the United States who were the subject of court-martial.

I call attention to it because I want the people to understand the terrors that have been inflicted upon these young men, not only in the sentences that have been imposed, but as well the cruelties that were perpetrated against them after they were committed to prison.

Mr. President, the Spanish Inquisition was not a marker to some of the cruelties that have been practiced against these soldiers in France. I am glad to say that after these soldiers get back to America the severity is somewhat mollified; but the fact that cruelties have been imposed upon these young men is shown by the fact that two, at least, of the officers who have come back from France, and who have been responsible for these cruelties, have been assailed and assaulted in the prison yard itself by the very men they had charge of. Wirz, at Andersonville, could not hold a candle to some of these men. The matter is being investigated by the House, and I propose to call to the attention of the Senate in due course cases which have come to me, which have been corroborated and verified, and which, I doubt not, never reached the public ear.

I ask that the bill may be read in order that the Senate may be advised as to its purpose. I prepared it myself, and worked at it yesterday, without the assistance of anyone, in order to meet the situation which has been presented to me from time to time. It may need amendment, and it will receive it in due course.

The bill (S. 2535) to restore to the colors and granting amnesty to soldiers, sailors, and marines, and to certain other persons, and for other purposes, was read the first time by its title, the second time at length, and referred to the Committee on Military Affairs, as follows:

Be it enacted, etc., That all soldiers, sailors, and marines who may have been prosecuted, convicted, and sentenced by a general, summary, or any court-martial shall be immediately restored to duty and to the colors by proclamation of the President, which proclamation shall be issued immediately upon the taking effect of this act: *Provided, however*, That this act shall not apply to those charged with and sentenced for the commission of a crime which would involve, if prosecuted in the Federal courts, the conviction and sentence as of a felony.

SEC. 2. That thereafter and immediately upon the restoration of such soldier, sailor, or marine to duty and to the colors they shall be, each and all of them, honorably discharged from the service upon their own application just as has been and is done in cases of other men honorably discharged from the service, and that upon such discharge there shall be paid them all forfeitures of pay and allowances imposed upon them by sentence of court-martial. That thereafter such soldier, sailor, or marine shall be held and considered to have been honorably discharged from the military or naval service of the United States, and shall thereafter be entitled to all the rights, privileges, and emoluments now or hereafter provided by law for persons honorably discharged from said service.

SEC. 3. That in all cases where the sentence of court-martial has deprived any soldier, sailor, or marine of any of the rights of citizenship, the discharge of such soldier, sailor, or marine shall restore such rights as though no conviction had been had or sentence imposed.

SEC. 4. All persons engaged in the military or naval service of the United States since the 6th day of April, 1917, except as hereinbefore provided, are hereby granted full amnesty, and in all cases where the rights of citizenship have been taken away from them by reason of conviction and sentence by court-martial such rights are hereby restored: *Provided, however*, That this amnesty shall not apply to any cases of those charged with and sentenced for the commission of a crime which would involve, if prosecuted in the Federal courts, the conviction and sentence as of a felony.

SEC. 5. That the President is hereby authorized, by and with the advice and consent of the Senate, to appoint a board of clemency and review, consisting of three persons versed in the law, two from civil life and one from the Army or Navy, the civilians to receive not to exceed \$ per annum, and the military or naval appointee the salary provided by law for his rank, with full power, jurisdiction, and authority to review, revise, modify, reverse, or annul sentences imposed by courts-martial since April 6, 1917, of all persons engaged in the military or naval service of the United States when the crime charged, if prosecuted in the Federal courts, would involve a sentence as of a felony.

SEC. 6. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$3,000,000, or so much thereof as may be necessary.

AMENDMENTS TO AGRICULTURAL APPROPRIATION BILL.

Mr. MYERS submitted an amendment proposing to appropriate \$5,000,000 to prosecute further work on projects and units thereof, under the reclamation act, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate \$50,000,000 to resume and prosecute work on projects and units thereof, under the reclamation act, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,000,000 for the relief of impoverished and suffering home-

steads and other farmers in the drought-stricken regions of the United States, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment providing that homesteaders, upon making affidavit to the effect of the failure of their crops on account of the serious drought conditions during the year 1919, shall file same with the register and receiver of the local land office and be absolved from residing for seven months or any period of time upon their homesteads, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

CONSULATE AT SAN JOSE, COSTA RICA.

Mr. EDGE submitted the following resolution (S. Res. 128), which was referred to the Committee on Foreign Relations:

Resolved, That the President be, and he is hereby, requested to inform the Senate, if not incompatible with the public interest, whether or not it is true that the American consul, Benjamin F. Chase, and the American consulate at San Jose, Costa Rica, were fired upon with guns or pistols by the police of that city, or that country, or its Government, on or about June 12 last, and what action, if any, has been taken to protect the American consul and the consulate and American citizens and their property in that city and country.

COMMITTEE CONSIDERATION OF PEACE TREATY.

Mr. JONES of New Mexico. I submit a resolution, and I ask that it may be read.

The Secretary read the resolution (S. Res. 129), as follows:

Resolved, That the Committee on Foreign Relations be, and is hereby, requested as follows:

(1) In the consideration of the proposed treaty with Germany submitted to the Senate by the President July 10, 1919, for ratification, to conduct all its hearings, discussions, and considerations in open session, unless the committee shall affirmatively decide that some specific matter, by reason of the public interest, should be considered in executive session.

(2) That no executive session of the committee be held from which any Senator shall be excluded.

(3) That the sessions of the committee in the consideration of said proposed treaty be held in a room sufficiently large and so equipped as to provide for the convenient attendance of the members of the committee, all the Members of the Senate, the representatives of the press, and, if feasible, the general public.

(4) That, so far as practicable, public notice of all future meetings of the committee for the purpose of considering said proposed treaty be given in the Senate.

Mr. JONES of New Mexico. Of course, I realize that under the rule the resolution should go over for at least a day. If anyone desires that its consideration shall go over of course I shall be glad to have it go over under the rule.

Mr. LODGE. Of course, I ask that it go over.

The VICE PRESIDENT. The resolution will lie over under the rule and be printed.

LEAGUE OF NATIONS.

Mr. JOHNSON of South Dakota. Mr. President, I wish to announce that to-morrow, after the close of the morning business, at the conclusion of the address of the Senator from Oregon [Mr. McNARY], I shall submit a few remarks upon the subject of a league of nations.

Mr. LENROOT. Mr. President, I desire to announce that on Thursday next, after the conclusion of the morning business or as soon thereafter as there is an opportunity, I will address the Senate on the league of nations.

Mr. MOSES. Mr. President, following the addresses announced by the Senator from Oregon [Mr. McNARY] and the Senator from South Dakota [Mr. JOHNSON], I shall to-morrow submit a few observations on the peace league.

AMENDMENT OF THE RULES.

Mr. MYERS submitted the following notice, which was read:

Notice is hereby given that under Rule XL of the Standing Rules of the Senate I shall to-morrow or on a subsequent day when the Senate may be considering the bill (H. R. 7413) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920, move to suspend subdivisions 2 and 3 of Rule XVI of the Standing Rules of the Senate, prohibiting the adding of new items of appropriation and prohibiting the proposing of general legislation on any general appropriation bill, for the purpose of offering an amendment in the form of a new section to the said bill H. R. 7413, which said proposed amendment in the nature of a new section is as follows:

"To resume and prosecute work on projects, and units thereof, under the reclamation act, stopped during the war, and to begin and prosecute existing projects and units thereof which are practically ready for prosecution, to be immediately available and to be expended under the terms and conditions of the reclamation act, except that in the matter of employment a preference shall be given to discharged soldiers, sailors, and marines, \$50,000,000."

Mr. MYERS submitted the following notice, which was read:

Notice is hereby given that under Rule XL of the Standing Rules of the Senate I shall to-morrow, or on a subsequent day when the Senate may be considering the bill (H. R. 7413) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920, move to suspend subdivisions 2 and 3 of Rule XVI of

the Standing Rules of the Senate, prohibiting the adding of new items of appropriation and prohibiting the proposing of general legislation on any general appropriation bill, for the purpose of offering an amendment in the form of a new section to the said bill H. R. 7413, which said proposed amendment in the nature of a new section is as follows:

"To prosecute further work on projects and units thereof, under the reclamation act, now in course of construction and to begin and prosecute new projects and units thereof in drought-stricken regions of the United States, to be immediately available and to be expended under the terms and conditions of the reclamation act, except that in the matter of employment a preference shall be given to drought-stricken and suffering homesteaders, farmers, and ranchers, \$5,000,000."

Mr. MYERS submitted the following notice, which was read:

Notice is hereby given that, under Rule XL of the Standing Rules of the Senate, I shall, to-morrow, or on a subsequent day when the Senate may be considering the bill (H. R. 7413) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920, move to suspend subdivisions 2 and 3 of Rule XVI of the Standing Rules of the Senate, prohibiting the adding of new items of appropriation and prohibiting the proposing general legislation on any general appropriation bill, for the purpose of offering an amendment in the form of a new section to the said bill H. R. 7413, which said proposed amendment, in the nature of a new section, is as follows:

"That for the relief of impoverished and suffering homesteaders and other farmers in the drought-stricken western regions of the United States and for the purpose of furnishing to such of the aforesaid homesteaders and farmers as are without means or credit, and who are faced by starvation, food for themselves and their families and feed for their live stock and seed for another seeding, until another crop may be put in the ground, there is hereby appropriated, out of any moneys in the United States Treasury not otherwise appropriated, the sum of \$5,000,000, or so much thereof as may be necessary, to be expended and disbursed under the direction and control of the Secretary of the Interior, under such rules and regulations as he may formulate, in conjunction with the governors of the various States affected and such boards, committees, and other instrumentalities as any such governor may offer and the Secretary of the Interior may see fit to accept; all such disbursements herein contemplated and provided for to be donations or loans, as the Secretary of the Interior may decide, and any such loans to be for such length of time and upon such terms and with or without security, as the Secretary of the Interior may order; and if upon security, upon such security as he may require."

Mr. MYERS submitted the following notice, which was read:

Notice is hereby given that, under Rule XL of the Standing Rules of the Senate, I shall, to-morrow, or on a subsequent day when the Senate may be considering the bill (H. R. 7413) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920, move to suspend subdivisions 2 and 3 of Rule XVI of the Standing Rules of the Senate, prohibiting the adding of new items of appropriation and prohibiting the proposing general legislation on any general appropriation bill, for the purpose of offering an amendment in the form of a new section to the said bill H. R. 7413, which said proposed amendment, in the nature of a new section, is as follows:

"That during and for the calendar year of 1919 and for any homesteader's current year of homesteading which may fall principally in 1919 in sections of the country where great and serious drought conditions prevail homesteaders whose crops are almost or entire failures and who have no crop of any substantial value and who find it necessary to leave their homesteads and to hunt employment in order to live and obtain food for themselves, their families, and work stock, if any, shall, upon making affidavit to such facts and filing the same with the register and receiver of the local land office be absolved from residing for seven months or any period of time at all upon their homesteads; and as to such for the year 1919 or the current homestead year of all such homesteaders the law requiring residence upon homesteads is suspended; and the Secretary of the Interior is directed, upon compliance herewith by any homesteader, to waive all requirements of residence by such homesteader for such year and to permit final proof to be made, when offered to be made, without evidence of residence or cultivation during said year: *Provided*, That such affidavit be made and so filed, and in that event it shall be accepted in lieu of proof of seven months' residence for one year."

CLAIM OF THE GOVERNMENT OF FRANCE (H. DOC. NO. 156).

THE VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Acting Secretary of State in relation to a claim presented by the Government of France against this Government on account of losses sustained by a French citizen in connection with the search for the body of Admiral John Paul Jones, which was undertaken by Gen. Horace Porter, formerly American ambassador to France; and, referring to my message of June 4, 1918, concerning this matter, I recommend that an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Acting Secretary of State.

WOODROW WILSON.

THE WHITE HOUSE,
21 July, 1919.

HOUSE BILL REFERRED.

H. R. 7413. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920, was read twice by its title and referred to the Committee on Agriculture and Forestry.

THE POTASH INDUSTRY.

Mr. SMOOT. Mr. President, last Friday the senior Senator from New Jersey [Mr. FRELINGHUYSEN] had published in the RECORD an article with reference to potash—its price and its

importation. I have a letter from Mr. Myron M. Parker, addressed to me to-day, in partial answer to the same, which he desires to have printed in the RECORD with other matters as an answer to the article. I ask that, without reading, it may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., July 21, 1919.

HON. REED SMOOT,

United States Senate, Washington, D. C.

DEAR SIR: As you are aware, Representative FORDNEY, on the 4th of June, introduced a bill—H. R. 4870—in the House to encourage and protect for a limited time the potash industry of this country. The Ways and Means Committee have concluded their hearings on the bill, and it is expected that it will be reported to the House at an early date.

Under the provisions of this bill domestic potash, when mixed with imported potash at \$1.50 a unit, the present market price, would be sold to the farmers for the first 24 months at \$1.83 a unit, for the next 12 months at \$1.75, and for the next two years at \$1.50 or less. The difference in price is so small that no hardship would be imposed on the farmers.

When the importation of German potash was stopped by reason of the war, the Department of the Interior and the War Industries Board urged upon our people the necessity of developing the domestic potash industry. Congress made an appropriation of \$45,000 to aid in this effort. Dr. Gale, of the Geological Survey, and other experts of the Government, on investigation, found that in Searles Lake, Calif., there was potash enough to supply our domestic needs for 100 years. They discovered that in the Nebraska lakes there was even more potash than in Searles Lake.

In addition to these sources of supply, potash is now made from cement plants, from beet sugar, from lucite in Wyoming and alunite in Utah, from the green sands of New Jersey, and from many other sources. As a result, these plants which have recently reached completion, and which are now in operation, can produce 125,000 tons of potash a year, and if given protection for three years will more than supply all our domestic requirements, thereby preventing future foreign monopoly.

Over \$40,000,000 have been expended in the development of the industry. So far as is known, only one plant has been able to amortize itself. Unless protection is given all these millions will be lost, and, what is of far greater importance, the American industry, an industry that was encouraged and fostered by the Government, will be killed.

In the magazine article "Victory," submitted to the Senate by Senator FRELINGHUYSEN on the 18th instant, many misstatements were made. One statement was to the effect that imported potash would cost only \$50 a ton. The facts are the lowest price imported potash is now offered at is \$1.50 a unit, which would be \$150 a ton and not \$50 a ton, as stated in the magazine article.

The article contained many other statements equally absurd. The Department of Commerce reports that economic conditions are more changed in Germany and France than they are in the United States, so much so that potash will probably never be sold at less than \$150 a ton, the price now asked.

State chemists—copy of their reports inclosed—of Alabama, Arkansas, Florida, Mississippi, Louisiana, Georgia, North Carolina, South Carolina, and Tennessee, in 1918, certified that domestic potash was equally as good as that which is imported.

Speaking for the American industry, may I express the hope that you will extend your valued influence in protecting our most-needed and most-important industry.

Very truly, yours,

MYRON M. PARKER,
Attorney for the United States
Potash Producers' Association.

[Article published in the American Fertilizer, Apr. 13, 1919.]

AMERICAN-MADE POTASH.

(By J. C. Pridmore, agronomist, Southern Fertilizer Association.)

"Since the potash now used in commercial fertilizers of this country is American made, some farmers have shown a disposition to wonder if it is as good as the potash that formerly came from Germany. The State chemists of the South are all of one accord in declaring that the plants made use of potash irrespective of its source, and that American-made potash is as good as any other.

"Since the German supply has been cut off the fertilizer manufacturers have been forced to develop the American sources of this needed plant food. At present there are three important sources from which the fertilizer industry of this country gets potash. These are the by-products of cement

factories; a few small natural deposits, similar to those in Germany, found in Nebraska, Utah, and California; and kelp, little of which reaches the cotton belt.

"The chief potash salts exported from Germany were furnished in the form of muriate, as in muriate kainite; in the form of sulphate, as in high-grade sulphate and double-manure salts; in the form of mixed muriate and sulphate, as in manure salts. The water-soluble potash in these different materials ranged from 12 to 50 per cent.

"The potash produced in this country from the sources already mentioned, and used in mixed fertilizers, is being furnished in the same forms identically as those imported from Germany and, in addition, as a mixture of carbonate and sulphate. The water-soluble potash in these different materials ranges from 6 to 48 per cent.

"From the following statements it will be seen that the potash used in fertilizers to-day is like that which was imported from Germany, and that the composition, in terms of potash, may be approximately the same in the materials from both sources. That the consumers' minds may be set at rest the State chemists of the Southeastern States have been consulted on this matter, and their authoritative views are given in the following statements:

ALABAMA.

"In making a report upon the analysis of fertilizers we only report the potash which is soluble in water, and if the potash contained in the fertilizer is in a water-soluble form there is no reason why it should not give just as good results per unit as the German potash salts. Considerable amount of potash has been produced in the last year or two from deposits found in Nebraska and from kelp. Some is being supplied through the medium of cottonseed meal.

"All the above-mentioned forms of potash should give as good results when applied to crops that are in need of this constituent, and I see no reason for any apprehension as to the quality of potash as being supplied at the present time." (B. B. Ross, State chemist.)

ARKANSAS.

"Americans can make and are making just as good potash as ever left a German seaport. A fertilizer analyzing 2 per cent potash by the official methods is just as good as regards potash as any fertilizer ever manufactured. Anyone who persists in believing that the only satisfactory potash bears the label 'Made in Germany' is playing directly into the hands of the German Potash Trust." (J. B. Rather, State chemist.)

FLORIDA.

"There is no difference in the muriate of potash and the sulphate of potash as produced in American materials and the same materials from Germany.

"American-made potash: The American salts, however, are generally mixed salts and are seldom strictly muriates or sulphates. The American salts usually are largely carbonates, sulphates, and muriates mixed. I believe that goods made from American potash are as effective as those made from German potash, provided always that the percentage of potash guaranteed is found in the goods." (R. E. Rose, State chemist.)

LOUISIANA.

"To those who really need potash I wish to say that I have never had any indication from the three experiment stations where sources of potash have been under investigation that sulphate or muriate of potash manufactured in this country is inferior in any way to imported products, except as applied to tobacco. The form in which potash is applied does have some influence on the quality of tobacco, but for all other crops there is no reliable evidence known to me that the previously imported products have any superiority whatever over our homemade goods." (W. R. Dodson, director experiment station.)

MISSISSIPPI.

"Fertilizers are manufactured and sold under a definite guaranty, as heretofore. Materials entering into their composition are just as good as they have ever been in the history of the fertilizer industry. Of course, the general conditions make prices high, but there has certainly been no deterioration in quality.

"There is absolutely no ground for the statement that the soluble potash in American potash salts is not equivalent, pound for pound, to that in salts heretofore imported. Farmers need feel no hesitancy whatever in the purchase of their fertilizers this year. They are as good as they have ever been." (W. F. Hand, State chemist.)

GEORGIA.

"Potash is potash, no matter whether it originated in Germany or in this country. Our domestic sulphate of potash or muriate of potash is just as effective as plant food as others. It is absurd for anyone to state that the fertilizer made with domestic potash as a source of this element is not as effective as a similar goods of the same analysis made with German salts as the source of potash, and it is erroneous for anyone to believe or state that the locality from which the material was obtained has anything to do with the value or availability of the potash in the guano." (W. C. Dumas, State chemist.)

NORTH CAROLINA.

"The character or quality of potash being used in fertilizers this season is mainly carbonate and sulphate, and potash in organic materials, such as tobacco stems, cottonseed meal, etc. These are all good forms of potash, and will give good results in the growing of crops. The forms of potash from Germany were muriate and sulphate mainly. The forms of potash being obtained and used in our fertilizers are just as good and effective as the German kind of potash." (B. W. Kilgore, State chemist.)

SOUTH CAROLINA.

"Our fertilizer laws require the guarantee of water-soluble potash only. Every per cent of water-soluble potash in American potash is worth dollar for dollar to the farmer just as much as the water-soluble potash from Germany. The farmer may rest assured that 6 or 12 or 48 per cent of water-soluble potash furnished by American sources is of exactly the same value to him as 6 or 12 or 48 per cent of water-soluble potash furnished by German sources or by sources from any other country." (R. N. Brackett, State chemist.)

TENNESSEE.

"One lot of muriate of potash of a certain analysis is just as effective as other muriate of potash of the same analysis whether imported from Germany or produced in this country. The same is true of sulphate and carbonate of potash. It is true that the potash salts produced in this country are not so rich in potash as some of the salts which we formerly got from Germany, but the fertilizer manufacturers take this into account when making up their formulas and simply use more of the domestic salts than they formerly used of the German salts, and in this way produce a finished product of the same analysis and value to the farmer." (J. W. Sample, State chemist.)

"In view of the above statements, coming from such high officials as the State chemists in these various States, we are justified in drawing the conclusion that the water-soluble or available potash produced in America is as valuable for plant food, pound for pound, as that which we formerly imported from Germany, and that the farmer is safe in accepting the manufacturer's guaranty as to the potash content of fertilizers at the present time."

DUNWOODY INDUSTRIAL INSTITUTE.

Mr. KENYON. Mr. President, on account of charges made on the floor a few days ago as to the Dunwoody Industrial Institute and Dr. Prosser's connection therewith, I ask that a telegram I have received from the acting director of that institute be placed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MINNEAPOLIS, MINN., July 18, 1919.

Senator W. S. KENYON.

United States Senate, Washington, D. C.:

Representative of Minneapolis Journal just called my attention to a charge made in the Senate which involved Dunwoody Institute. Dunwoody is an endowed school, offering free trade instruction to residents of State of Minnesota. We are training rehabilitation men who are residents of Minnesota free—30 in number. For nonresidents—10 in number—a tuition is charged sufficient to cover actual cost of instruction—ten to twenty dollars a month. Eighty try-out students, during special six weeks' summer session, are being trained at \$15 a month.

H. W. KAVEL,

Acting Director Dunwoody Institute.

PROPAGANDA ON THE PACKING INDUSTRY.

Mr. KENYON. I have on my desk a number of sample telegrams which are being received by various Senators, this being the package of one Senator, in relation to the most tremendous propaganda that ever has been instituted in this country, namely, that of the packers to influence Congress with relation to the passage of the bill known as the bill to regulate the packing industry. Everywhere they can reach these telegrams are secured to be poured in on Congress—from bankers, merchants, farmers, and everyone else. It shows the tremendous power the packers exercise in this country and the far-reaching intertwining relationships.

I am not objecting at all, of course, to information being sent to Representatives and Senators, but I do think Senators ought to know the influences that are at work stirring up the letters and telegrams they are receiving in this tremendous propaganda.

While I did not rise to announce a speech at a definite day, and I realize that the time is to be taken up pretty much by speeches on the league of nations, yet at the first opportunity presented I am going to submit some remarks on the league of packers propaganda and show to Senators how the telegrams and letters they are receiving are in response to the circulars and letters sent out by the packers, and that every influence they can reach in this country is being put to work to stimulate this propaganda.

A CALL TO DUTY.

Mr. WILLIAMS. Mr. President, I hold in my hand an editorial from the New York World of July 11, which I ask be inserted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A CALL TO DUTY.

"President Wilson's address, in presenting to the Senate the treaty of peace with the covenant of the league of nations, can not fail to make a profound impression on the mind and purpose of the American people. And it was the American people to whom the President was speaking.

"Mr. Wilson has never been more felicitous in any of his public utterances than he was yesterday when he explained the stupendous difficulties with which the Paris conference had been compelled to grapple in rebuilding the peace of the world and the reasons why it had been found imperative to make the league of nations the keystone of the structure.

"The President's address, in the main, was an appeal to the American people to finish their great work and make it secure. He put the issue of peace upon the same high plane that he put the issue of war, when the United States became the moral arbiter of the world. That moral leadership remains. It can not be sacrificed for the mean, sordid motives that actuate the

opposition to the league of nations without bringing civilization again to the verge of chaos, and if that comes there will be no security for the American people in a pretended isolation that events have made wholly fictitious.

"One of the President's senatorial critics complained yesterday that the address was 'internationalism.' It probably had never occurred to this eminent statesman that there is likely to be a great deal of internationalism in relations between nations, and that every pact between nations is an expression of internationalism in some form or another. What is the chief concern of the world to-day is the manner in which this internationalism is to express itself—whether it is to be the internationalism of Wilson and Lloyd-George and Clemenceau, or the internationalism of Lenin and Trotsky and Bela Kun—whether it is to be the internationalism that subjects the nations to the reign of law or the internationalism that subjects them to the reign of anarchy.

"Senatorial partisanship and parochialism may try to obscure that issue, but they can not obscure the facts. Great powers have been conferred upon the Senate by the Constitution of the United States, but the power to turn back the clock of history is not one of them. Either the United States must assume this moral leadership to which the President refers or it must turn its back upon all the ideals for which it has been fighting, including even the safety and security of the Nation, for if the extremists of the Senate have their way we shall become the most distrusted country in the world for having run away from our responsibilities in the shameful fear that, in spite of all our wealth and resources and power, we might incur obligations in discharging those responsibilities.

"The President's address is more than a plea for the treaty and the league. It is a call to duty no less imperative than that which he made to Congress on April 2, 1917, when the United States was summoned to war 'for the things that we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own government, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free.'

"It is no longer Germany, but a minority in the United States Senate that is the great obstacle to the fulfillment of this program to which the American people dedicated themselves two years ago. With German militarism overthrown, this Senate counsel of cowardice now interposes to blight the victory and cheat mankind of the fruits of its suffering and sacrifice. That is the issue, and the only issue in this contest, that has been created by a blind and insensate partisanship."

TREATY OF PEACE WITH GERMANY.

Mr. WILLIAMS. In addition to that, I hold in my hand a letter from Mr. Osmond, of 421 Boylston Street, Boston, Mass. The Senate will note that this comes from the very Hub itself. It incloses a resolution which was passed at Pilgrim Hall in Boston, Mass., in favor of the treaty of peace. Of course when a thing comes not only from Boston but from Pilgrim Hall, it ought to be very persuasive to the average American intellect. I ask that it be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

421 BOYLSTON STREET,
Boston, Mass., July 11, 1919.

Hon. JOHN SHARP WILLIAMS,
United States Senate, Washington, D. C.

SIR: In accordance with the wishes of the meeting held at Pilgrim Hall, Boston, Wednesday, July 9, I am inclosing you a copy of a resolution passed.

Yours, very truly,

M. T. OSMOND.

"We believe that the United States should enter the league of nations, which aims to promote international cooperation and to achieve international peace and security.

"We believe that the covenant of the league of nations can not be separated from the peace treaty, since the latter was founded on the assumption that the league of nations would be formed.

"We believe that delay on the part of the United States Senate to ratify the peace treaty will seriously jeopardize the peace of the world: Therefore

"We urge the United States Senate to ratify the treaty of peace, including the covenant, without reservation or amendment, as soon as it is submitted for ratification."

(The above resolution was adopted by a large majority at a public meeting held Wednesday, July 9, 1919, at Pilgrim Hall, 14 Beacon Street, Boston, Mass.)

Mr. WILLIAMS. I also hold in my hand an article by Moorfield Story, a very distinguished Massachusetts man, entitled "Why the treaty should be ratified."

I will say, in connection with Mr. Story's article, that in very many public affairs, although he belongs to a different school from me, I have found him to be a man of remarkable humanitarianism and remarkable clearness of intellect. I ask to have the article printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

WHY THE TREATY SHOULD BE RATIFIED.

(By Moorfield Story.)

"We are now face to face with a vital question whether the treaty of peace shall be ratified.

"The country wants peace and a league of nations, and the treaty secures both.

"Until we have peace the crushing expenses of war continue, and men can not return to their normal work. Until they do their idle hands are easily turned to mischief, and forces which tend to disorganize society threaten our civilization.

"The statesmen who met in Paris would not have been forgiven if, with the terrible experiences of the war fresh in our memories, they had made no effort to save the world from another such calamity. They were bound to respect the universal wish for some league of nations.

"After months of negotiation, their treaty is before us. No nation and no man made it or could make it. In all probability it satisfies no one, but it is the best result on which the nations could unite. Every negotiator, much against his will, has yielded something. Everyone can suggest changes which in his judgment would be improvements. Anyone can imagine disasters that may occur notwithstanding the treaty, or perhaps because of it, but it is not within the power of any man or any body of men to draw a treaty which no one can criticize, or which will insure perfect results in an imperfect world. The Senate of the United States can not make a new treaty, and if it refuses to ratify this one the only result must be new negotiations, sure to end in nothing that will satisfy everybody, and equally sure to be attended with ill feeling and suspicion which can hardly fail to leave behind them a dangerous international atmosphere.

"Men say that this treaty amends the Constitution because it limits our sovereignty. Any contract which either man or nation makes limits the maker's freedom of action since it binds the maker to do something which he was not bound to do before. In no other sense does this treaty limit our sovereignty. For more than a century this country has been bound by treaty not to build forts on our Canadian boundary or to maintain warships on the Great Lakes. This treaty, our arbitration treaties, and all our other treaties to a certain extent limit our sovereignty. None the less we must make treaties. The claim of those who oppose the treaty strikes at the treaty-making power itself.

"The present treaty with the right to withdraw and the requirement of unanimous consent to any important action by the league of nations is an experiment which guards us very carefully. Put into one scale the very worst that can happen to us, if the treaty is ratified, and in the other what is sure to happen, to say nothing of what we can imagine, if the treaty is not ratified, and can anyone doubt which scale tips the beam?

"If the world is left as the war found it, the preparation for war, the explosives, the poisonous gas, the forts, the guns and ships, the aeroplanes and submarines, the standing armies and the enormous fleets, in a word the competition in devising means of destruction involve an expense in money and life which is simply appalling. And what must be the position of this country before the world, this country which claims to have entered the war to realize high ideals and not for any selfish interest, if it refuses to unite with other civilized nations in taking the little step toward better things to which the treaty commits us. It would be a shameful betrayal of civilization at the greatest crisis in history.

"The treaty should be ratified as it stands. If its provisions need amendment these amendments can be made hereafter, and are far more likely to be made, if we have shown toward our Allies confidence and good will by agreeing to the compact which our representatives have made than if we exhibit suspicion of their honesty and selfish disregard of every interest but our own by refusing to unite with them.

"And let us hope that in the discussion of the treaty the Senators of the United States will not degrade their country by giving voice to racial jealousy or suspicion as to the motives and aims of nations which have stood side by side with us in the great contest for freedom and civilization, and thus destroy that harmony upon which the world's best hope rests to-day. Let them forget party and the chance of partisan advantage, and above

all let not their feeling about the President lead them to reject the treaty. He is the President of the United States upon whom devolved the duty of negotiating this treaty. The task was one of well-nigh insuperable difficulties. If there were those who felt that he should have taken counsel with the leaders of the Senate more freely than he did, let these leaders not justify his course in not doing so by exhibiting to their fellow countrymen their unfitness to deal with the problem before him. Let them rise above party and let their country have peace, a result which can only be attained by ratifying the treaty as signed. Any amendment makes a new treaty to which the other powers must agree, postpones peace, and in every way intensifies the dangers which now threaten the world."

THE LEAGUE OF NATIONS.

Mr. KNOX. Mr. President, I ask to have inserted in the RECORD an address by Hon. James M. Beck before the Union League of Philadelphia, Pa., on the league of nations.

The VICE PRESIDENT. Without objection, it is so ordered. The address referred to is as follows:

THE LEAGUE OF NATIONS.

[Address by Hon. James M. Beck before the Union League of Philadelphia, May 8, 1919.]

"Hon. Edwin S. Stuart, president of the Union League, presided, and introduced Mr. Beck, as follows:

"Gentlemen of the Union League, it has been the custom of the Union League since its organization to invite distinguished guests here to address us on important national matters, and to-night we have as our guest a native of Philadelphia. He was born here, and while he has not always lived within its borders for the last few years, his interest, his love, and his affection have always been for the city of his birth—Philadelphia. I introduce to you the distinguished guest of the evening, the honorable James M. Beck, who will address us on the important question of the league of nations." [Applause.]

"Mr. Beck was heartily welcomed and responded as follows:

"Mr. President and members of the league, your organization is called the Union League. It is a beautiful name. The word 'Union' has more sacred memories than even the more formal title to our Nation, the United States, because the latter speaks for the Commonwealth as a political entity, while the Union means not only the aggregate of its living citizenship, and a total of its material assets, but suggests all the traditions, achievements, and institutions of the American Commonwealth. It was to save that Union that the Civil War was fought, and out of that epic struggle grew this great and efficient organization.

"The perpetuity of the Union, as I have thus defined it, is vitally at stake by reason of that which has been done in the last five months in the name of America, for I believe that the league of nations, as now proposed to the American people, threatens the impairment of important constitutional principles of our Government as well as one of its noblest traditions, which, though not written in the Constitution textually, is as essential to the perpetuity and happiness of the United States as the letter of the Constitution itself. To that great theme I shall briefly address myself.

"Preliminarily, we must consider not merely the text of the covenant of the league of nations but the method whereby it is sought to be forced upon the American people. This has given rise to a grave constitutional crisis, which, if the Senate ignored, a fatal precedent would be set, which, in my judgment, would change the form of our Government in the conduct of its foreign relations to our ultimate undoing.

"One hundred and thirty-two years ago in this city of Philadelphia—and no city ought to have, by reason of its great traditions and intimate connection with the creation of the Constitution, a greater interest in the league of nations than this great historic city—there met an assemblage of 55 men, who attempted to construct a form of government which they regarded as necessary for the perpetuity of democratic institutions in the American Commonwealth. They were men of surpassing ability. While their personnel differed to some extent from that of the First and Second Continental Congresses, yet the framers of the Constitution, who met from May, 1787, until December 17, 1787, in Independence Hall, well merit the noble eulogium that the elder Pitt applied to the earlier convention when he said:

"I must declare and avow that in all my reading and study—and I have read Thucydides and have studied and admired the master States of the world—that for solidity of reason, force of sagacity, and wisdom of conclusion, under such a complication of circumstances, no nation or body of men can stand in preference to the General Congress at Philadelphia." [Applause.]

"Such was the judgment of the founder of the modern British Empire.

"Those 55 men in their deliberations took a wide survey of the whole history of mankind before they reported to the people of the Colonies the Constitution under which we are greatly privileged to live. In their final and deliberate judgment one of the most important features of this covenant was that our country should be distinguished from other nations in its refusal to concentrate in one man exclusive power over the foreign relations of the Government, and especially over the issues of peace and war.

"Prior to that time it had been the policy of other Governments, whether in form republican or monarchical, to vest such plenary power over foreign relations in an executive ruler, whether king or president. The determination of foreign policies was not regarded as a legislative function.

"The founders of this Republic, seeing that most of the wars that had followed with such quick succession from the very dawn of the Christian era until the time they were legislating were too often the result of the selfish ambition of one man, determined to take the war power out of the control of the Chief Magistrate of the Government that they were about to create, and they refused to give him exclusive power to determine finally the destinies of this country with respect to its foreign relations. To them that change in method marked the difference between a monarchy and a republic, and they intended to found a republic and a republic they did found, and a republic, please God, it shall remain." [Applause.] "Thus and therefore they resolved that while the President—because of Congress not being continuously in session—should have an initiative in the mere negotiation of a treaty, yet that no treaty should bind the people of the United States unless it was ratified 'by and with the advice and consent of the Senate.'"

"Bear in mind the words, for there is not a tautological word in all the Constitution. No document is of more admirable simplicity. If Gouverneur Morris could have drafted the treaty of peace or the league of nations, he would have set a very commendable example of simplicity and clarity to the draftsmen who have now given the world a peace treaty of 80,000 words. When our Constitution, where every word has its meaning, provided that the President should not put a treaty in force except with the 'advice and consent of the Senate,' these words meant more than the final act of the Senate in ratifying a treaty, negotiated by the Executive and to which the Senate, as some publicists have claimed, is morally committed by the Executive. If you will read President Wilson's History of Popular Government, you will there see recorded years ago as his deliberate conviction that in the practical working of our institutions, whenever the President or his representatives shall negotiate a treaty, thereafter the function of the Senate has virtually ceased and the Senate must ratify that to which it is morally committed by the negotiations of the Executive. That that view can not be right is best shown by the fact that it was not a mere majority of the representatives of the sovereign States which was to determine the foreign relations of the Government, but the concurrence of two-thirds was necessary before the United States could be committed to any treaty stipulations.

"Thus a crisis now confronts this Nation. Deliberately and avowedly, for at least it can be granted that there has been no hypocritical pretense about it, the President has said that he would so interweave the league of nations with the peace treaty as to make its rejection exceedingly difficult, if not impossible. Such an unprecedented threat was fairly implied in the challenge he flung to the Senate in his speech in the Metropolitan Opera House, in New York City, before he last sailed for the new seat of government in Paris. The President did not disguise the fact that his reason for this interweaving of a very extraordinary proposition for supergovernment with a most complex treaty of peace was that the Senate would be under the duress of events to accept the treaty as a whole, inclusive of the league of nations, as to which more than one-third of the Senators had placed themselves on record as opposing it in its then proposed form.

"This crisis is emphasized by facts that perhaps are not fully apprehended by all Americans. I was in England in the autumn of 1918, and discussed the matter of the league of nations with many prominent English publicists. At that time not 10 per cent favored the league, and, in any event, the great weight of educated public opinion in England was heartily opposed to any interweaving of a league of nations with the treaty of peace. They were in a state of stupor. They had been driven by the enormous weight and burdens of the war almost to their knees by financial exhaustion. What they wanted above all things was to make a speedy peace without the subject being in any manner intermingled with a league of nations, which they thought could more properly be made the subject of future de-

liberations when the world was in a more normal state. If that was the view of England, it is known that it was even more the view of France, for it is a matter of common knowledge that when the President first went to Paris and laid before the French Government his scheme of the league of nations, France, in the person of its great prime minister, Clemenceau, opposed it, and was so opposed to it that it finally required the reluctant co-operation of Great Britain to compel Clemenceau to withdraw his objection to the interweaving of the league of nations with the peace treaty. Moreover, when the President came home to this country for a very brief visit, and when, having come home, the 36 Senators, more than a third of the Senate, formally placed themselves on record as being opposed to the covenant of the league of nations as then proposed, the French and the British Governments then agreed to the necessity of making immediate peace, for it could not be safely longer postponed, and it is credibly reported that President Wilson was notified that it was their judgment, presumably in deference to the wishes of the Senate as the final treaty-making power in this country, that there should be an elimination of the league of nations from the proposed treaty of peace. It is certain that the French foreign minister, Pichon, made an official statement on behalf of his Government that France had taken that position, and yet on the same day the President issued a statement that the league of nations would be interwoven with the peace treaty, as he had said in his speech in the Metropolitan Opera House in New York, and again yielding to his insistence the league of nations was put back into the treaty, and was so interwoven that no one can be blind to the surpassing difficulty that now confronts the Senate in the discharge of its constitutional function of passing upon the league of nations to do so without prejudice to the interests of the world.

"Thus without any real necessity for the course, against the wishes of our greatest allies, the league of nations was almost inextricably entangled with the most complex and difficult peace treaty that the world has ever known, and the Senate must now discuss the league of nations, not fairly and fully upon its merits as one of the most important proposals ever put before any legislative body but under the trying and almost impossible duress of knowing that if it rejects this treaty it may prolong the agony of an overtortured world for an indefinite period of time.

"The Senate of the United States, acting through distinguished Senators, had given due notice, of which the other nations were bound to take account from a previous knowledge of the character of the credentials of the American peace commissioners, that this country would consider the proposed covenant to see how far it compromised the sovereignty of the United States and how far it destroyed the most sacred traditions of this country. Our allies, being so advised, have for reasons which commended themselves to them, refused to take the reasonable precaution of separating the peace treaty proper from the league of nations, and they have at the instance of President Wilson so interwoven them that they are like a tangled skein of silk. It would take infinite pains to take them apart.

"In this manner, in a covert and insidious way, the great fundamental principle of the Constitution, that only "with the advice and consent of the Senate," freely expressed and freely given, should any foreign commitment be entered into, has been challenged by our own Chief Magistrate, who was sworn to defend and not destroy the Constitution of the fathers. When Cromwell entered the Commons and pointing to the mace, the symbol of its authority, said, "Take away that bauble," he did not treat the great council of the realm with more contempt than President Wilson in the last five months has treated the Senate of the United States. In thus attempting to defeat the coordinate power of the Senate President Wilson challenges the integrity of the Federal Constitution." [Prolonged applause.]

"We can not afford not to take up that challenge. If it were only a question of the living generation, we might say, "It matters not to us. We want peace as much as any other nation. We have had our burdens in this war, due to some necessary expenses and to many of unparalleled extravagance. Let us return as quickly as possible and at any sacrifice to normal ways. We will not stand upon any constitutional principle, however valuable it may be."

"But we are trustees for posterity. Just as we took the torch of constitutional liberty from the hands of preceding generations, from the men who saved the Union in the great Civil War, we must pass that torch on to the succeeding generations. We owe this alike to the dead and the unborn. We must never let it become a precedent that the Senate, the great treaty-making power of this country, more broadly representative of the whole Nation than any single man, however estimable his

character may be, shall abdicate its exalted office as the final judge of our foreign policy." [Applause.] "This is not a monarchy in which the king has sole control of our foreign relations. If it were, it would be disastrous for this country, because in the long run the wars of the world have resulted too often from the caprices or ambitions of single individuals.

"The great Senate of the United States, representing 48 sovereign Commonwealths, speaking for a people of 100,000,000, should say to our representatives in Paris: "We will do as we have always done; we will not accept dictation from the Executive. We will consider this treaty and accept or reject it in whole or in part as the interests of America require. We propose to consider this question calmly, soberly, advisedly, and deliberately and in a spirit free from narrow partisanship. We will consider it not only in the light of all that is due to America, but in the light of the best interests of civilization. If there ever was a time in the history of the world that any nation could not afford to be selfish, it is this hour. The Senate will consider it in that spirit and having reached the conclusion of that which is fair to the United States and to the whole world the Senate will act not merely perfunctorily, but in accord with the great traditions and precedents of that august body."

"There is much in this covenant for a league of nations that is admirable.

"It can be divided into four classes: First, the declaratory, that seeks to announce new public policies for civilization, as, for example, that a war or even threat of war against one nation is the just concern of all. That declaration of the solidarity of mankind and the collective responsibility of all nations for the peace of the world is a noble utterance. The difficulty is, as any sensible man knows, that the world is still centuries behind it. We had the same declaration in The Hague Convention, only voiced with incomparably more moral authority than the league of nations can give it, and yet the moment the great cataclysmic clash came all recognition of collective responsibility vanished among all nations, including our own, except a few, who were left for three weary years to bear almost alone the brunt of the battle for civilization. For three years we remained neutral even when the ravages of war had reached our own lands and our own people. He, whose boast it was that he "kept us out of war," could profitably talk less of duty of humanity." [Applause.]

"Then there are the advisory provisions of the league, those in which the league simply meets in the spirit of friendly conference to consult for the good of the world. For the most part, they are admirable.

"The third class may be called the judicial provisions, which provide for the adjustment of international controversies by arbitration or mediation. While containing little that is novel, yet they are wise in moving with due conservatism and a reasonable regard for the actualities of life. They, too, deserve the support of reasonable men of all nations.

"The fourth and most important class may be called the "coercive" provisions, weak and anemic, but nevertheless in a rudimentary or foetal stage of development, representing an ambitious attempt to create a world State, to which all the constituent States of the league will contribute a portion of their sovereignty.

"These coercive provisions, especially article 10, to which I shall especially ask your attention, present an issue of vital importance to this country, and that is whether, in the illimitable future, we shall adhere to the policy of George Washington, as declared in the immortal Farewell Address, and which was, in a fine and noble sense, to "mind our own business," or whether we will become (as a great leader of men, so recently taken from us—would to God he were here to-day to combat this heresy—said before his death) the "Meddlesome Mattie of Nations." Shall we implicate this Nation in all the intricate affairs of the world with the obvious penalties that will come to us as a Nation of great potential power or will we maintain the traditions taught by our fathers and accepted by all our public men of all parties until recent years?

"We are at the parting of the ways. We will either inextricably entangle ourselves, not merely in European politics but in the more difficult problems of the Far East, or else pursue our own splendid way of independent self-development, minding our own business, but without in any manner ignoring our duty to civilization as one of the master States of the world. It is not a question of isolation—that is impossible—but of independence. We can profitably recall Washington's sound counsel given in a letter to Gouverneur Morris on December 22, 1795:

"My policy has been and will continue to be . . . to maintain friendly terms with but to be independent of all the nations of the earth."

"Let me illustrate by some recent occurrences. A few days ago it was announced in the authentic communiques that our peace commissioners in Paris—and that ought to be said in the singular number" [laughter and applause]—"had taken Fiume from Italy, had created Danzig into an independent free State, and had recognized the British protectorate over Egypt, with some reservation about the details of British control and with the hope that a larger measure of home rule would be given to the Egyptian people. When I read that I wondered if His Majesty King George V should suddenly state to-morrow that he had given the Philippines to Japan, created Hawaii into an independent State, and had recognized the American protectorate in Porto Rico, with the hope that the United States would grant a larger measure of autonomous government, how the people of the United States would take His Majesty's intervention in our affairs." [Laughter and applause.]

"In a dispatch dated April 17 to the New York Evening Post, one of the President's organs, we learn:

"There was no meeting of the council of four to-day because of the extraordinary number of engagements made by the President, who, beginning at 11 o'clock, gave an average of 15 minutes each to delegations from America, Europe, the Near East, and the Far East, besides attending to routine matters put up to him by his secretaries. From 11 until 11.10 the President talked to a Chinese delegation, then listened 20 minutes to the French National Congress on the question of the Rhine as a frontier. Fifteen minutes went to the Assyrian-Chaldean national delegation, the same to the Slavic-Dalmatians, who presented the results of a plebiscite in the Dalmatian territory occupied by Italy. Ten minutes went to the chargé d'affaires for San Marino—

which, I believe, has 11,000 people—

"Ten more to the Swiss minister of foreign affairs; 10 to Rose Schneiderman and Mary Anderson, representing the American Women's Trade Union League; 15 to a long-haired Greek patriarch from Constantinople, which is the seat of the orthodox eastern Christianity; 15 to Essad Pasha to present Albania's claims; and 15 minutes to the Greek minister from Rome. The President then went to lunch with Secretary of War Baker" [laughter], "who informed him about American matters.

"How grateful we should be that between the courses of a lunch our President was informed about matters of our Nation of great importance and undeniably in need of urgent action! Our satisfaction is, however, lessened by the fact that he received his information through Secretary Baker." [Laughter.]

"Beginning again at 4 o'clock, Herbert Hoover got a quarter of an hour of the President's time, and was followed by a Roumanian delegation. A member of the Portuguese Government was next, and he was succeeded by Boghos Nubar, the Armenian leader, who came to plead the cause of his country, which desires that America assume a mandate over it. Then came the venerable Serbian minister, Pashitch, and, finally, Frank Walsh, pleading for a free Ireland." [Laughter.]

"Let me in contrast with this dangerous policy of intermeddling now recall one of the most sacred traditions of our Nation. In September, 1793, the editor of a Philadelphia paper called the National Advertiser was asked to go to Sixth and Market Streets on a special mission. He entered the hall and was shown into the drawing room, and there, standing with his back to the fireplace, was, I think, the most Godlike man the world has ever known, 6 feet 2 in height, steel-gray eyes, prominent aquiline nose, firm set mouth, clad in black velvet, sword hanging by his side. When Mr. Claypole, the editor in question, entered, this man, who was none other than George Washington, said to him: "Mr. Claypole, I have a manuscript here that I am very anxious you should publish in the Advertiser, and I want you to publish it exactly as I have written it." Claypole said he would do it, and took it away.

"Washington for five years had labored over that manuscript, first in 1792, toward the end of his first administration; then he laid it aside when he agreed to accept a second term. In 1796 he took it up again and submitted it to the keenest jurist of his time (unless I except James Wilson), namely, James Madison, sometimes called the "father of the Constitution." He then discussed it with his Cabinet, including the very acute brain of Thomas Jefferson. When their opinions were given, he submitted the draft to that "Admirable Crichton" of the period, Alexander Hamilton, and asked him to take all the suggestions that had been made and put the document into final shape. Hamilton did so, and when it was returned to Washington the latter again carefully revised it and then handed it to Claypole. Twice the printer's proofs were returned and twice Washington returned them, with all the laborious care that marked that supremely great man, and finally, one September day, the noblest political testament in the history of the world was published—the Farewell Address. It was not an official communication addressed to Congress. It was addressed to the people of the United States as citizens. It was not to his generation alone that he addressed it; but, knowing that he would soon be gathered into the "mansions of the departed," Washington desired, as among the last acts of his life, to give to future generations of the American people the result of his 45 years of experience in the Army and field, his matured and final views as to

our Nation's destiny and true policy, as one method of preventing them from falling into some fathomless abyss like the league of nations; for such it is." [Applause.]

"Consider the spirit in which it was written. It is as a living voice that comes to us of this generation in a critical hour from that tomb on that little knoll at Mount Vernon:

"A solicitude for your welfare, which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people.

"Again he says:

"In offering to you, my countrymen, these counsels of an old and affectionate friend—

"and what a friend he was—

"I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations. But, if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

"Let me recall the exact wording of this most significant statement of our true foreign policy:

"The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations or collisions of her friendships or enmities.

"It is a very significant fact that in Hamilton's proof the word "ordinary" appears only once, but Washington, when he revised Hamilton's draft repeated the word "ordinary" to make his meaning clearer. He says:

"Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

"Dropping the cold words of a state document, Washington then continues with almost pathetic exhortation:

"If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance. Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice? It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it." [Applause.]

"It may be suggested that this was only Washington's opinion. On the contrary it was the whole philosophy of America. Our forefathers had come to this virgin continent as pioneers. Our whole colonial history was marked by a consistent effort to be disentangled from the spider's web of European politics. It was the spirit of independence that led our fathers in the shadow of that ancient belfry in Independence Square to say that this Nation is and should be of right an "independent" State. It was that spirit that culminated in the Constitution of the United States, for in it is no provision for transferring our sovereignty. The Civil War was fought to preserve that sovereignty unimpaired, and in its final form it is the residuum of the liberty of the American people as individuals. There is no power given to the Federal Government to transfer that sovereignty to a voting trust.

"This policy of Washington does not mean isolation. When one speaks of the traditional isolation of this country as Washington's policy, the Farewell Address is misinterpreted. Its doctrine is that of independence, not isolation. Isolation is such complete detachment from the world as would make us a hermit nation, but independence is freedom from entanglement by "artificial ties," which impair our freedom of action. It does not limit America from playing a great part in the world, but only forbids entangling alliances which attempt, like the proposed covenant of the league, for all future time to mortgage the judgment and commit the destinies of the American people not according to their will, but according to some superwill of an artificial alliance.

"If Washington had been living in 1914, he would not have questioned the propriety of this country intervening in this war and sending its soldiers to Europe to defend the basic principles of civilization. Having returned to Mount Vernon, after he had declined a third term, when he felt that his country had been insulted by a European power, although then 60 years of age, he again was willing to leave the retirement of Mount Vernon and unsheath his sword and fight for America. Such a man,

if he had lived four years ago to-day, when the *Lusitania* was sunk, would not only have promptly given Count Johann Von Bernstorff his passports, but would have given to Germany an ultimatum of immediate war unless the *Lusitania* was disavowed. [Applause.] 'He would not have spent a year in writing futile and ignominious notes.

"Washington did not advise that America should not play its due part as one of the master States of the world; on the contrary isolation is not only opposed to his doctrine, but also to the destiny and traditional policies of the American people, for this potentially greatest Nation of the world is not unwilling to play its part in the stupendous drama of human events and to assume its share of responsibility. Washington did advise us that America should not subject its will in the unknown crises of the indefinite future, of which no one man can now know the precise nature, by purely artificial obligations, such as article 10 of the league, that it should not mortgage the treasure and blood of the United States to conditions which it can not know in advance and with which, when they arise, it may have no sympathy whatever.' [Applause.]

"Article 10 says:

"The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

"What are to be the means? Turn to article 16:

"It shall be the duty of the council in such case to recommend to the several Governments concerned what effective military and naval forces the members of the league shall severally contribute to the armaments of forces to be used to protect the covenants of the league.

"Thus we are asked to underwrite not only the territorial boundaries of the world, as they now are, but the future boundaries, as time develops them in future years, with or without our consent. We not only agree to preserve with the blood and treasure of our Nation these unknown territorial boundaries, but also the political independence of each member of the league, and possibly of every nation in the world. To safeguard the political independence we necessarily undertake to preserve their form of government, and we can not tell what form of government our partners in the league may in the future have. There may be a great reaction against democracy. If so, there may be a retrogression to absolute monarchy. Who can tell what is in the lap of the gods? Russia to-day is under the control of Lenin and Trotsky. The league of nations even in its birth has confessed itself impotent to combat Bolshevism, and it might as well confess its impotence sooner or later for all purposes, unless Lenin and Trotsky are dethroned from their arbitrary and cruel power, for the future of Russia is the crux of the peace problem. Thus by article 10 we might guarantee the political independence of Russia, governed by Trotsky as another Caesar. Moreover, the obligation is not confined to the present map of the world as it is developed by the peace conference, which it is vainly sought to stereotype, but article 10 is a continuous and indefinite obligation as to any future changes of the map of the world that may be made, and when made with the consent of the league they become part of our guarantee.

"The dangers thus suggested are not fanciful. The dragon-teeth seeds of half a dozen wars have been shown by the peace conference, and if the harvest be averted it will only be because of the frightful character of modern armament and the consequences of war.

"The league of nations will not stop these wars, of which a number are now in progress. By a recent act of the peace conference, and with a palpable violation of the rules of self-determination, a province of over 30,000,000 people belonging to one of our own allies is placed under the domination of Japan upon condition of its restoration as Japan, in its own time and at its own will, shall elect. Suppose China should suddenly awake to defend herself and with her teeming millions make war upon Japan, and the latter country, being one of the voting trust and therefore potential, would say, 'We demand now the protection of the league under article 10.' I may be lacking in enthusiasm, but I am not enthusiastic about our sending possibly a million of our men to Japan or China to defend Japan against China or China against Japan under the circumstances to which I have alluded.' [Applause.]

"Or take the difficulty with reference to Fiume, a little town on the Adriatic with about 35,000 people. I shall not discuss the merits of the Fiume dispute, because, like most Americans, I doubt very much whether I had ever known or heard of Fiume a few years ago. Let us see how strong the league now is to enforce its decrees even against one power, Italy. The flatterers who surround President Wilson had told him that

his power was such that if he raised his hand any Government in Europe would topple from its base. Our President, without any mandate from the American people whatever, demanded that Fiume should be given to Jugo-Slavia and taken from Italy, although the majority of the people in Fiume are Italians. Italy refused and left the peace conference. Italy is weak as compared with the great alliance, and if the coercive power of the league was as claimed by its proponents Italy would have yielded. She simply withdrew her representatives to Rome, and when they were invited to return to Paris it was not Italy that had retreated. The league can not overcome the pride of nationality. It is fortunate for the freedom of the world that it is so.

"If Italy and Jugo-Slavia should become involved in war about Fiume, what would America do? We have in this country a great many citizens who are Slavs by race and many who are of Italian birth. If it was wise in Washington's day not to implicate ourselves in the local entanglements of Europe which are no concern of ours, then it is wiser to-day when we have given hostages to so many nations by immigration. Thus we can not intermingle in European quarrels without sowing the seeds of dissension and disunion within our own household. If Jugo-Slavia made war upon Italy and Italy appealed to the league to defend it from Jugo-Slavia, we would be called upon under article 10 to send our sons to engage in a bitter controversy with respect to a town that is not as large as Atlantic City. Again I am not enthusiastic about the prospect.' [Applause.]

"If the experience of history counts for anything, these leagues dissolve in critical times like the soap bubble the child blows. It floats through the air with lovely iridescent colors, charms the eye for a fleeting moment, but when it touches the floor it bursts and all the colors disappear. If there is one thing that human nature and history teaches, it is that there has never been a league of nations that has stood the actual crash of conflict. We know what happened in 1914 to the best and most hopeful of all leagues, The Hague convention.

"Such leagues were tried in Greece more than 2,000 years ago; they have been tried again and again through all the centuries, and always with the same dismal failure. The best evidence that the present league has failed to inspire confidence, even in the hour of its birth, is shown by France. One of the clearest and sanest of France's soldiers, Gen. Foch—the censor has not allowed his statement to come over—said that he would not advise signing the treaty in the form it is in, because it does not give adequate protection to France, and now we are advised that an arrangement has been made provisionally that the United States and Great Britain should defend France in the event of an unprovoked attack by Germany. Such is France's faith in the league.' [Applause.]

"Why the proposed Anglo-French-American treaty if there be any confidence that article 10 of the league of nations will function as its projectors pretend to believe?

"Suppose Russia and Germany, at present both ostracized by the league, should form an alliance and a world war should come again to the world, what would be left of the league? The United States might respect its obligation; it would depend very much upon the circumstances under which the quarrel arose; but what with respect to many other nations? What became of all the promises and assurances of The Hague convention? They burst like the soap bubbles with which a child amuses herself. And yet The Hague convention was formed under far better circumstances and had a greater acquiescence by all the world than the league of nations, that has been born in the spirit of dissension and turmoil.

"Let America beware of the day that she pledges her solemn faith to underwrite the territorial integrity and political independence now and for all future time of possibly all the nations in the world.

"It is said, however, that any member of the league can withdraw on two years' notice. Really when Senator BRANDE-gee spoke of Little Alice in Wonderland in connection with the famous dinner in the White House to discuss the league it was an apt analogy. The reasoning of the Mad Hatter is outdone by the suggestion that the difficulties of article 10 are met with the provision that any nation can withdraw on two years' notice, provided, in the opinion of the executive council, all its obligations have been fulfilled.' [Laughter.]

"I was in Switzerland in the early days of July, 1914, and the world was apparently at peace. I was satisfied from the Austrian ultimatum that war was inevitable. I took the first train for Paris ahead of the storm which a great many people believed was not coming. I reached Paris on July 31 and sailed from England about August 26. Between July 31 and August 26 half the world was at war, millions were already in the field,

nearly all of Belgium was occupied by the Germans. The Battles of Mons, Charleroi, and Morhange had been fought, and the Germans were halfway to Paris. All in less than a month, and yet it is said if the clouds of war commence to gather in the future that we can escape responsibility by giving a two years' notice. Even if the war had not started but was threatened, the moment we gave notice that we were going to withdraw in two years steps would be taken to hasten the war to bring us within the two-year period. If our armies were in the trenches when our two years' notice ended it would not be very safe to withdraw in the face of modern artillery.

"Even were this provision changed from the two-year period to an immediate right of withdrawal it would still be objectionable, because when the clouds of war gather it would be a point of honor for an honorable nation to remain, because if one nation agrees with another to safeguard a certain situation, but reserves the right to withdraw at any time and suddenly a crisis arises, the first nation would be wanting in chivalry if it exercised its right to withdraw before the crisis was past. America would not desert its allies in the hour of danger.

"The league attempts to vest the control of the world in a voting trust of five nations. We can safely start with the assumption that we have never in the history of the world had a repository of power, especially if self-assumed and one which questions the equality of nations, which did not become a shining target to other nations. Moreover, such enormous power always invites division between the members of the alliance, as witness the two great triumvirates of Rome and that of France, which Bonaparte for a time shared with Sieyes and Ducos as consuls.

"Suppose the five nations composing the voting trust—Great Britain, Japan, Italy, France, and the United States—at first were united, it would only take one of them to break the majority. We have already seen what the potential power of that one vote is in the matter of Shantung. Shantung, with practically the moral control of the Far East, was given to Japan. Why? Because if Japan left the five, the voting trust would be broken, and Great Britain, France, Italy, and the United States would be in a possible minority with respect to the control of the league, if the present minority of four wished to seize the controlling power by uniting with Japan. Would not the desire to do so be natural? Thus the voting trust is admirably adapted to subject Great Britain and the United States to the demands of Japan.

"It is said that these objections are met by the rule of unanimity, but that rule takes from the league whatever assured value for effective action it might possess. Unanimity may exist in heaven among the angels but not elsewhere. Richard Brinsley Sheridan once said that "when on the stage they agreed upon any subject their unanimity is wonderful," but this is not true of the "wide and universal theater of man."

"To allow any one nation to prevent any decision of the league is to condemn it to impotence. It is a delusion. All the anarchy of Poland in its past history was due to that which they called the liberum veto, a similar provision. As a result Poland was always in a chronic state of anarchy. Yet this league of nations is holding out to the world the sham promise of a peace, pretending to have coercive power, which it can not possess with the rule of unanimity, but imposing moral obligations, which to generous nations like France, Great Britain, or the United States would be an embarrassment, unanimity or no unanimity. The weak or unjust nations of the league could block any action by simply interposing a veto, whereas the just and noble nations would say, "We made a promise to safeguard the political independence of other nations, and therefore, even if one nation fails to act with us, we will not be false to our moral obligation, but will carry out not only the technical letter of our obligation but the spirit."

"If it were true that the league of nations gave a reasonable assurance of a durable and just peace, America should, without respect to its own interests or traditions, make the supreme sacrifice and join in any plan to put an end to the greatest evil, with the exception of injustice, that of war; but what assurance is there that any man can gather from the past or the present that there will be any lasting peace as a result of this sham league? Far from bringing peace, the league will bring war. What is there in the past history of the world or the present that justifies the belief that a league of some nations, in which the control is arbitrarily vested in five, where the nations are all of different interests, races, and varying degrees of civilization and standards of justice, will remain united? Where is the assurance that the league will do that which even 2,000 years of Christianity have failed to do, namely, bring about peace with justice in the world?

"The present tendency is to assume that whatever was true in the past is presumably untrue to-day, and it may be that which was Utopian yesterday may become the commonplace truth of to-morrow; but the only safe way in which men can reason, especially when they are reasoning on the grave matters of national destiny, is to give some weight to the uniform experience of history, for surely we can stand upon the fundamental premise that the league of nations has not and can not repeal human nature.

"There never was a time in the history of the world that there was peace in the world except once, and then only in a nominal sense, and that was when Christ was born. All the power of the world was then concentrated in one State, and all the power of that State in one man, Augustus Caesar, and as one man can not quarrel with himself, naturally during his reign and that of his three successors, who enjoyed a similar absolutism, there was peace in the world. But was our little world happier because it was subject to the will of one man? On the contrary, it never was so unspeakably wretched as it was in the century following the birth of Christ, because the dawn of a better day slowly came with Christianity and with Christianity a passionate sense of justice, which ended a false peace.

"To insure peace by coercive measures, and that is the theory of the league of nations, it would be necessary to concentrate power in so few human beings that they would not quarrel, and to concentrate the power of the world in one nation.

"Present events illustrate this. The peace conference started with 70 members. They found that that would not do as there were too many differences of opinion, so the number was reduced to 10; then it became 6, and then 5, and finally the 70 had become a new triumvirate, and as disunited as the classic examples of triumvirates.

"A communique from Paris in to-day's paper says, "The council of three—Clemenceau, Wilson, and Lloyd-George—yesterday decided as to the disposition of the German colonies as follows": They "decided," not the nations. They divided over a million square miles of territory. The 24 nations did not decide it.

"The plenary council of the 24 nations was given two hours to consider the whole peace treaty as formulated by three men, which is two hours more, I believe, than Mr. Widener gave the stockholders of the Metropolitan Traction Co. of New York on a famous occasion." [Laughter and applause.] "I believe the proposition was then, as it is now in Paris, 'vote first and discuss afterwards.'" [Laughter.] "But the plenary council was given two hours to consider the whole peace treaty which could not be read in many hours, because it contained 80,000 words.

"If the experience of history teaches us anything and if democracy amounts to anything, and if the recent example of Italy demonstrates anything, it is this: That it is philosophically true that you can not put the world into a voting trust. It declines thus to be put. Men are to enlightened, too proud, the human soul has been too well developed to permit of any group of men, any new triumvirate, to control lastingly the destinies of the world, and therefore, if the league of nations came into existence, dominated by five nations acting through 3 or 15 individuals, attempting to govern the destinies of this world, I venture the prediction that it would not last five years and that it would not survive the first real crisis.

"Suppose on the day of the armistice and thereafter during the Paris conference President Wilson had taken George Washington's advice. Suppose that he had gone to Paris—and I am not one of those who criticize him for going. Upon the whole, I think the crisis was grave enough to warrant his going, but suppose that having arrived he had said to our allies: "Gentlemen, it is the traditional policy of my country that the local concerns of Europe are those in which we ought not to interfere. We did come into this World War because of the invasion of Belgium, which was a challenge to civilization itself. It was an 'extraordinary emergency.' It involved the bases of civilization. But you have many questions as to which America has no particular interest and in which it can have no sympathy. You are our allies. Solve your purely European questions as you think best and America, believing in your good faith, honor, and greater wisdom with respect to such internal questions, will gladly join with you in the treaty of peace, and accept such solutions of European and other questions foreign to America as in your joint judgment is fair for those directly concerned." [Prolonged applause.]

"What would have been the result? America would be to-day the best beloved Nation in the world. Our President might be the most loved and admired statesman of the present

heroic era, notwithstanding his fatal hesitancy in the critical years from 1914 to 1917.

"Let us see what has happened by disregarding Washington's solemn warning. Our country in November, 1918, was popular as it had never been before in its history. Our neutrality was forgotten and submerged in the great and unselfish sacrifice we made in the last year of the war. The admiration for us was most generous, the gratitude deep beyond words. I can testify that in both England and France their publicists said with sincerity, although it was effusive generosity, that we had won the war, as though they had done nothing with their infinite sacrifices and far greater service in the common cause.

"America to-day, in France, Great Britain, Italy, and other countries, has suffered a marked diminution in the generous estimate of men that no one can possibly measure. They believe we have marred their peace. They believe that by intermeddling we have not merely prolonged indefinitely the torture of their agony but have deprived them of the full fruits of their victory, and we will for years to come pay the penalty, and just such a penalty as Washington warned us against, a penalty for the curse of intermeddling, which breeds the ill-will of every nation against which our representatives decided, and has brought us not too much credit from the nations in whose favor they acted. Of this dissatisfaction we hear but little, as the censor has too successfully stifled truth in the last six months.

"It is said that the Washington doctrine is only a tradition. But what is this tradition, which is now the subject of so much disapprobation and scorn?

"I stood in 1916 in the Cathedral of Rheims. Its foundations were there, its great walls remained, but the high altar was gone. Its great rose windows were shattered into pieces. Those windows were not in a strictly utilitarian sense necessary to the church, and yet without the roseate splendor of the light of day shining through those beautiful pieces of glass the interior of that noble sanctuary was cold and depressing.

"In this we can see a symbol of the shattered edifice of the Union. Its foundations and walls also endure, but its high altar and stained-glass windows are gone. The stained-glass windows are the great traditions of our country. Through them our past suffuses its great light; through them the wisdom of Franklin, Washington, Hamilton, and Jefferson, and all the great men of that great heroic period of our country, passes; through them suffuses the splendor of the Union with the glory of an epic past.

"The rose window of America is the tradition which we owe to Washington, the tradition of a proud independence that has been shattered in the last five months in Paris and will be lastingly destroyed, unless the Senators of the United States, obedient to their oaths, and to the great destiny of the American people, shall say, before it is too late, 'We will not permit the great and noble policy under which this country has lived for over a century and by which it has grown immensely strong in moral influence to be destroyed.'

"That stained-glass window of Washington's example must be restored, for it is through it that the influence of the great founder of this Republic inspires living men.

"To carry my analogy one step further, what is the high altar of the Union which, like that of Rheims, has been overthrown and in part destroyed in a spirit of mad ambition? It is the Constitution, whose mighty principles, embracing the 'whole law and the prophets' of free government, have been too often set at naught in recent years, especially in the present attempt to subvert the high prerogative of the Senate. Thank God, the Republican Party, which more than half a century ago saved the Union, has now again the great duty to save again the Union, which Washington founded and Lincoln saved. [Prolonged applause and cheers.]

"Col. GRIBBEL. I beg leave, Mr. President, on behalf of the Union League of Philadelphia, to move that the thanks of this organization be tendered to the honorable James M. Beck for the magnificent address on this momentous question which he has delivered here to-night.

"(Seconded and unanimously carried.)

"Adjourned."

LUMBER AT CANTONMENTS.

Mr. SHERMAN. I present a letter from the Holm-Page Co., general contractors, of Rockford, Ill. I should like to have it printed at length. It is not an extensive letter. It is on the question why the Government is holding at the different cantonments vast quantities of lumber. There are some 15,000,000 feet of lumber at Rockford, Ill., that could be used in general construction work. It is suggested in the letter that there are certain lumber manufacturers who are trying to keep this off the market. I am in hopes that the publicity given the letter may

loosen up the authorities here at the Capital or in the departments and do some good.

I should like to suggest to the Senator from Iowa [Mr. KENYON] that some of this propaganda comes from a number of other industries who fear they may be licensed likewise if the packers are. There are a good many industries in this country that are fairly successful, and if every successful enterprise is to be licensed, they think it is a good time to file the protest now. If you license the packers you can license agricultural implement manufacturers, boot and shoe manufacturers, and every variety of successful enterprise. The Senator will find that at the threshold of this undertaking the protests are made seasonably, so that the precedent that might be injurious may be not made on the pending legislation, of which the Senator from Iowa is one of the principal champions.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ROCKFORD, ILL., July 12, 1919.

HON. LAWRENCE Y. SHERMAN,

United States Senate, Washington, D. C.

MY DEAR SIR: We wish to call your attention to the large amount of surplus lumber the Government has at our back door—Camp Grant—nary a foot of which can the lumber dealers or building contractors buy.

When the armistice was signed there was approximately 14,500,000 feet of lumber at Camp Grant, and the inventory of February 8, 1919, showed exactly 14,178,000 feet. We know this to be a fact, because our Mr. McFarland helped to take that inventory and finally classified, extended, checked, and completed the inventory as it was forwarded to Washington. Since February there has been shipped to other camps and cantonments approximately 600,000 feet. The utilities department at Camp Grant has used another 300,000 feet and is now engaged, we are reliably informed, in hauling the remainder of this vast stock across the camp from the lumber yard to the utilities department, three-quarters of a mile distant, because they claim they can watch it better from the new location.

This lumber is not piled to keep, is not being properly piled in the new location, in fact is fast deteriorating and will not be in marketable condition one year from date. The lumber markets are mounting skyward, and undoubtedly prices have been put higher by the lumber manufacturers than even the big demand has warranted. We agree that labor at the mills is scarce, but why should the manufacturers put lumber prices up 40 to 60 per cent, when labor has advanced but 10 to 15 per cent?

There is no question in the minds of the retail lumber dealers, the contractors, or the consumers but that the representatives of the lumber manufacturers working in Washington as \$1-per-year men have been largely responsible for keeping the lumber in the various cantonments off of the market. We ourselves have tried several times to purchase quantities of the Camp Grant lumber, only to have the Washington authorities write the constructing quartermaster at Camp Grant that the Government expected to use the lumber for their own construction plans. Good authorities tell us there was 350,000,000 feet of lumber in the different cantonments when the armistice was signed. Figuring on the same basis as to amounts that have been used at Camp Grant since November 11, 1918, it will take the Government 12 years to use up what stocks are on hand. You can readily understand how much we lumber users in Rockford chafe under these circumstances.

July 11 we had to go into the market to purchase 250,000 feet of lumber to complete a factory building for a local concern, and it cost us \$45 per 1,000 feet f. o. b. cars Rockford, and some of it not as good a grade as the Camp Grant lumber stock. We are at present in the market for 80,000 feet of No. 1 common maple flooring and can not obtain even a nibble from either retailer or wholesaler on this item, yet in one of the warehouses at Camp Grant there are 450,000 feet of this grade of flooring that the writer knows cost the Government \$25 per 1,000 feet less than the going price as quoted by the members of the Northern Hardwood Manufacturers' Association. The writer can also authoritatively state that the lumber at Camp Grant cost the Government on an average of \$22.50 per 1,000 feet, plus freight, which averages from \$3.75 to \$6 per 1,000 feet.

The question naturally arises, Why doesn't the surplus supply division release at least a part of this big stock of lumber, and thereby save the Government from a bad loss by disposing of stock that is going to soon lose its merchantable value by rotting? By disposing of it now they could actually make a profit for the Government, and also relieve a most unbearable market situation. Furthermore, they would bring a lot of profiteering lumber manufacturers to their senses. We venture the opinion

that 75 per cent of the building material at Camp Grant could be disposed of in Rockford and the remaining 25 per cent within 50 miles of the camp.

Can not some one in Washington wield a big enough stick on the desk lizards in the surplus supply division to make them see their way clear to loosen up, and not only sell some of the lumber at Camp Grant, but also the immense stock of roofing, millwork, and other building material for which there is such an insistent demand just now?

We trust you may find a way to take this matter to the proper authorities, and also lend what assistance you can to start something. We do not know how you feel about it, but it strikes a large number of the patriotic citizens of Rockford that a lot of this inefficiency and waste that exists at our very door emits a very bad odor and very perceptibly chills the loyalty of a people who gave so freely of their time and money when both were so badly needed. Isn't there some way in which the people can make their opinion felt in this trying situation?

Hoping that we may hear from you soon with a helpful suggestion concerning this matter, we beg to remain,

Yours, very truly,

THE HOLM-PAGE CO.
V. L. PAGE.

TESTIMONY OF HENRY FORD.

Mr. SHERMAN. I also wish to offer, Mr. President, from the paper, Saturday Night, of Detroit, Mich., of date July 19, 1919, an extract from the testimony, together with editorial comment on it, of Henry Ford in the suit pending in Mount Clemens, Mich. I ask to have it printed at length without reading. I think it is very luminous.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MR. FORD ON THE WITNESS STAND.

Only because Henry Ford has aspired to be a mentor of thought in this country is his testimony in his million-dollar libel suit against the Chicago Tribune of first-rate importance. Private citizens may entertain all sorts of strange notions without attracting or requiring public attention; but whoever assumes a position of leadership in the affairs of a great nation must be understood as thoroughly as possible. That is an axiom of intelligent democracy. Neither adulation of his ideals nor irrepressible levity over his methods of approaching them can blind intelligent Americans to the effect of Mr. Ford's views as a political Cressus on his city, his State, and his country. The output of his mind, so liberally backed betimes by the output of his enormous pocketbook, is a matter of national concern.

So it becomes significant that Mr. Ford on the witness stand repeats his indifference to all past history; that he knows Benedict Arnold only as a writer and not at all as a traitor; that he thinks the War of 1812 was a revolution; that professional soldiers are murderers; that war is not murder if waged as a war of defense; that he was against preparedness for any war; that he wanted the United States to disarm; that he didn't know very much about his own writings, because he hadn't written them at all; that he had hired a Mr. Delavigne to do most of the writing; that "if it is in the book," which Mr. Delavigne wrote, he would take responsibility for it, but that he thought Mr. Delavigne had put something over on him. By way of exhibiting the workings of Mr. Ford's mind we present a typical selection from the official record of Mr. Ford's cross-examination. The Tribune counsel begins by reading a sentence from one of Mr. Ford's pacifist pamphlets:

"Q. 'I have no other purpose than to save America from bloodshed, and its young men from conscription.' Is that Mr. Delavigne, too?—A. If it was in there, it went out. It was Mr. Delavigne.

"Q. It was not yours?—A. No; it was not mine.

"Q. It went out over your signature?—A. Yes.

"Q. Did you read it?—A. I don't think so.

"Q. Do you mean to tell this jury that you had set out to educate the people, with advertisements printed broadcast all over this country, and you did not know what was in them?—A. I sent out many statements to cause people to think.

"Q. That you didn't know what you were doing?—A. No; not that I didn't know what I was doing.

"Q. Do you understand the question?—A. Yes.

"Q. You said that you did not know that that statement was in there?—A. I have said that.

"Q. You mean to be understood as saying that you sent the thousands and hundreds of thousands of statements broadcast throughout the United States and did not know what was in them?—A. I did not know everything that was in them.

"Q. You did not?—A. No.

"Q. Is there anything more important in that than about the subject of conscription?—A. I don't know.

"Q. Do you know anything about it?—A. I don't know.

"Q. You were going to save the young men of this country from conscription; that was your great effort?—A. Whatever is in there I am responsible for.

"Q. You did not know that it was in there?—A. I don't think I knew that it was there.

"Q. Let me refresh your recollection.—A. I told you in the beginning that I was responsible for it. Mr. Delavigne wrote a great deal of it.

"Q. 'I have no other purpose than to save America from bloodshed, and its young men from conscription.' You are telling the public that there should be opposition to conscription?—A. To save them from conscription meant to save them from war.

"Q. You say that you are now in favor of conscription?—A. I say that it is the most equitable way to fight a war.

"Q. You didn't know it was in there or you would not have sent it out?—A. I will not say that."

It will be worth while, we think, for the voters of Michigan to look that selection over a second time, if only to congratulate themselves on having kept Mr. Ford out of the United States Senate. A man who plays with public opinion by proxy, who signs his name to public state-

ments without knowing what he is being made to say, is likely to play with legislation in the same way. When Mr. Ford offered to admit that he was an "ignorant idealist" he did more honor to ignorance than idealism. A useful idealist knows what he is talking about.

Mr. BORAH. Mr. President, there seems to be a disposition to carry on the debate in reference to the league of nations from editorial articles expressing the views of different citizens of the country, and I have in my hand an article by William J. McNally, the European correspondent of the Minneapolis Tribune, written from Berlin, entitled "Americans in Europe urge the veto of the league." I ask to have it inserted in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

VETO LEAGUE, AMERICANS IN EUROPE URGE—OBSERVERS ABROAD SEE ONLY DISASTER IN PLAN, SAYS McNALLY—ASSERT WILSON HAS LOST UNITED STATES DESTINY IN DIPLOMATIC POKER GAME.

(By William J. McNally, staff correspondent of the Minneapolis Tribune.)

"BERLIN (By mail).

"There is a small band of Americans now in Europe who alone, of all Americans, have had an opportunity to study the subject of shrouded Europe—and by shrouded Europe I mean northern Europe—at first hand. Their opinions present a singular and impressive unanimity. Their constant talk concentrates itself upon the Wilsonian adventure into world politics. And their conclusions, which because of their situation, should have an infinite value to Americans back home and denied their opportunity, have unhappily, but for obvious reasons, enjoyed not the faintest publicity.

"It happens that the only Americans now permitted to travel in northern Europe are newspaper men, magazine men, military men, Red Cross men, and Y. M. C. A. men. Magazine men and newspaper men can not express their views because journalistic custom forbids them to 'editorialize.' Military men can not, because Army orders prevent. Red Cross men can not, because organization rules prevent. Y. M. C. A. men can not, because of the same obstruction.

EAGER TO GIVE MESSAGE.

"Yet this band has a message and a burning message. They sit talking by the hours at night and exclaim, 'If only the people back home could see what we see! If they could only get the perspective on Europe that first-hand study gives! Then there would be no danger that America should make a fatal mistake by reversing its foreign policy.'

"What they feel upon the subject of the Wilsonian adventure they feel with a burning intensity that would amaze, perhaps, the people in the United States.

"They constitute a unit in declaring that Americans back home have a wholly distorted and inaccurate picture of northern Europe.

"Now, whether America knew thoroughly European politics and European conditions or whether it did not would normally be the most trifling and inconsequential of questions. But at the present moment it is attaining a supreme importance.

WALKS INTO DANGER BLINDLY.

"For within a few weeks America must make up her mind finally whether she will take the great step, separating herself irrevocably from her past, and embark upon the hitherto unsailed rapids of European politics. There never was a time in America's history when it was so essential that America possess the most complete, the most exhaustive, and the most unbiased view of European politics. And there never was a time in her history when her equipment was so imperfect, so grotesque, and so distorted as it is at present. This point is probably as difficult to grasp in America as it is difficult to avoid in Europe. The Americans over here are studying the steps of America with a concern that at moments approaches panic and alarm. The Americans over here, examining and exploring a quicksand, the treacheries of which they appreciate only too keenly, see their own country, blindfolded apparently, walking straight into the danger zone with a childlike confidence that it has at last the right direction.

"STAY OUT OF EUROPE."

"'Stay out of Europe. Oh, stay out of Europe.'

"That is the universal, imploring cry which echoes and re-echoes in the comments of the thinking Americans now studying northern Europe. That cry I have encountered everywhere. I encountered it in Stockholm, I encountered it in Copenhagen, I encountered it in Berlin. I got it from men who had just come out of Poland, from men who had just come out of Russia, from men who had just come out of Czechoslovakia. I got it from men who had just come out of Hungary and Roumania, as well as from men who had just come out of Jugoslavia and Austria.

"Keep out of Europe, America! You have not the faintest conception of the treacherous waters you are embarking upon. You have no notion of the real situation over here. You have inherited mostly propagandized information that does not give you the true picture. Do not permit yourself to get mired in this swamp which is a hundred times more sinister and more dangerous than you imagine."

"This perhaps best summarizes the feeling that is most commonly voiced.

UNPREPARED FOR PEACE.

"More than half a year ago the war came to a close with a rather unexpected abruptness. Cessation of fighting caught America as unprepared for peace as she had been for war. Obviously, it was necessary that the President should sign a treaty of peace which would guarantee the fruits of the victory. That Mr. Wilson would do this everybody expected. But it soon became clear that Mr. Wilson had made up his mind to attempt something vastly more ambitious. It soon became clear that he had decided to revolutionize the entire structure of international relationship. Out of his own head he had evolved a grandiose and spectacular plan for abolishing future wars.

"The position of Mr. Wilson was on the whole rather anomalous. The American people had given him no instructions as to what to do. The American Congress had given him no mandate to create a league of nations. But he had himself hit upon this unprecedented idea and had decided to carry it into action. This astonishing man coolly departed from Washington, locking up the past, present, and future policy of America in his satchel, wrapped up the entire destiny of America, so to speak, like an apple, and took it over with him to Europe to do with it what he chose. The impudence of such an act was magnificent. An immense amount of feeling that would normally have been hostility was held in abeyance by the respect for the avowed good he had sought to establish. This goal was the abolition of war. Sentimentalists and humanitarians were inclined to believe that all criticism should be withheld until, at least, he had been given a fair chance.

"Of all the nations represented at Paris it was America that stood to gain the least and lose the most by the establishment of the league of nations. Mr. Wilson's individual desire for a league of nations, alone and unaided, would have been something quite unimportant and quite meaningless. But Mr. Wilson had a prize in his vest pocket which Europe had been craving with growing intensity year by year for more than half a century. That prize was America's independent foreign policy. It was America's traditional isolation. To get its fingers on that prize there was almost no price which Europe was unwilling to pay. What Mr. Wilson could not accomplish by argument, then, he might accomplish by barter. Europe, on the whole, cared not a fig about the league of nations, but it did want an alliance with America. Mr. Wilson did not want to push America into a European alliance, but he did want a league of nations. Here was a wide breach between Mr. Wilson and the Entente statesmen.

"So the conference began and the tables were set for a fascinating contest. The intellectual poker game known as diplomacy was soon in full swing. A victory for Mr. Wilson meant that the allied nations would be weaned away from an old-fashioned alliance into a new world league. A defeat for Mr. Wilson meant that America would be weaned away from her traditional isolation into a disadvantageous and dangerous alliance. The game was one fraught with infinite peril, for the destiny of America represented the stakes.

THE POINT OF THE GAME.

"The point on which the diplomatic struggle centered was this:

"Would the European alliance be a harmless and inutile decoration upon a true league of nations, or would the league of nations be a harmless and inutile decoration upon a true European alliance?

"In the event that the first contingency materialized, the world directly and America indirectly were much better as to position. In the event that the second contingency materialized, the Entente gained a prodigious asset for nothing, while America incurred a prodigious liability for nothing.

"The point really at issue was whether Mr. Wilson would swallow the Clemenceau potion of an alliance brewed with a league of nations foam, or whether Clemenceau would swallow the Wilsonian potion of a league of nations brewed with a mere alliance foam. That distinction spelled the difference between prosperity and calamity to America. It spelled the difference between permanent immunity and permanent insecurity. It spelled the difference between placing America at the service of an international ideal or placing America at the disposal of a combination of foreign powers.

"The publication of the covenant of the league of nations and subsequently the peace treaty made it unmistakably clear in the end which contestant had won out in the great intellectual poker game at Paris.

"Mr. Wilson was humiliatingly and utterly beaten.

"Americans here have practically all turned against Mr. Wilson, not because he was beaten but because he insists on maintaining the pitiful pretense that he was not. The tragedy is not to be found in the fact that he personally lost. It was hardly to be expected that he could win. The individual phase of it is an idle and superlatively unimportant matter. The tragedy is to be discovered in the fact that Mr. Wilson now, in order to uphold the threadbare pretense that he personally won, is willing to let that most precious of prizes, the American destiny, pass into the control of a European alliance. He is not only willing to do that, but he will work to achieve that end.

SEEN AS DEADLY ENEMY.

"To the Americans over here such an attitude places the American President in the melancholy rôle of a probably unconscious but none the less deadly enemy of the interests of his own Nation. His personal pride in his skill as a diplomatic player puts him in a position, apparently, where he would sacrifice America's future in order to maintain the fiction he held his own at Paris.

"The Americans over here differ from the Americans at home in that they see a little more realistically what a European alliance would mean to the United States. They know Europe as the Americans at home do not. And that is why they are infinitely exercised and alarmed over America's proposed entrance into these dangerous quicksands. Let no one imagine that the Americans over here were not in favor of a real league of nations. So far as I could see, the majority of them were. But they look upon the subject of an alliance with unconcealed horror, and they see in the league as it now exists nothing but a mask to cover an alliance. How Mr. Wilson could have been so completely victimized in Paris is a mystery that Americans here are at a loss to fathom.

"The American people had never given Mr. Wilson a command to take this priceless inheritance bequeathed them by Washington, had never ordered him to use it as the gambling stakes to help him win the world peace he had set himself upon.

"As soon as it became obvious he could not win, he should have risen from the table, put the jewel back in his vest pocket, quit the game cold, and returned to America. Of course, such a move would have damaged his own prestige. He would have to admit that he could not beat the European statesmen in his own game of diplomacy. He would have to agree with his multitudinous enemies who had declared his trip a blunder from the outset. But at least such a course would have saved the American destiny.

COULDN'T ADMIT FAILURE.

"But he lacked the courage to face the world with the humiliating confession that he could not win. He lacked the courage to go back and tell the American people he had failed. So he let that priceless heritage, the American policy of isolation, slip into the hands of the European alliance, and then went further and endeavored to camouflage the issue by declaring that instead he had placed it in the hands of an international directorate.

"The peace treaty accomplished two important results. It crushed Germany for a very long time to come, at least, as a military menace. And it also remade the map of Europe. In the first of these results America was directly interested. In the second she was not. America had entered the war to crush the military menace existing in Germany. But she had not entered the war to remake the map of Europe. That was a sphere quite alien to the United States. Such action on the part of our country represents nothing less than international meddling.

"It is here that Americans in Europe feel that they have a message for Americans back in the States. They all accept as indisputably accurate the following axiom:

"Remaking of the map of Europe has had no effect upon the world situation except to multiply infinitely the causes of war.

"They accept this as accurate because they are on the ground and they see. They can not mistake the signs and the symptoms. The overturning of the old boundary stones has set into motion a thousand buzzing and angry hornets. To break these rocks only brings into view a nest of national animosities, deadly as rattlesnakes, and everywhere one moves he finds the deadly rattle in his ears. Americans back home do not see these sights and do not hear these sounds but Americans over in this vicinity do. The matter of the boundaries alone makes a war calendar long enough to fill a home.

FEW NATIONS SATISFIED.

"It is safe to say that with the exception of France and the neutral countries there is practically no nation in Europe at present satisfied with its boundaries. In practically every nation there exists a burning sense of injustice, a smarting national grievance sometimes indescribable in its bitterness, an outraged sense that it has been cheated out of its natural rights upon its frontiers. In practically every nation there exists a fiery war party ready to jump into the fray to-morrow in order that its wrongs be redressed. These new republics of Europe are facing each other like quarrelling dogs.

"Poland constitutes one of the most incomparable Balkan messes ever created. The Poles are fighting the Russian Bolsheviks on one frontier and may be fighting Russian Pan-Slavists to-morrow. They are fighting the Germans on a different frontier. They are fighting the Ukrainians largely over the disputed city of Lemberg, and they may be fighting the Lithuanians any day over the disputed city of Vilna. Then they are willing to fight with the Czecho-Slovaks upon the disputed question of Teschen. Roumania and Hungary are ready to rush at each other's throats. Jugo-Slavia and Italy are ready to rush at each other's throats. Greece and Turkey are ready to rush at each other's throats. Holland and Belgium are looking upon each other in a very hostile light. And then even at the present moment the Finns are busy carrying on a war with the Russian Bolsheviks, as are the Estonians and the Letts. The Roumanians, besides, are fighting the Bolsheviks on their own frontiers.

"Despite the stern mandates of the Paris powers, now at the very zenith of their military strength, half a dozen wars are going on blithesomely in Europe. This is not a particularly happy augury for the reign of universal peace.

SURE TO PROVOKE WARS.

"The Benat, Fiume, Danzig, the Saar, Teschen, Smyrna, and half a dozen other hotly contested points in Europe are sure to provoke future wars, no matter which way they are settled. To an American it looks as though Europe had really very little left in its future, as it is almost certain to burn itself up. Nationalistic hostilities were never so violent and so numerous as at present, and, if that were not sufficient, class war is pushing up to complicate matters more seriously.

"Both the horizontal nationalistic winds and the twisting tornado, like communistic winds, are blowing perfect gales over Europe, and mixing and intermixing in such a fashion as to create horrible confusion and to achieve every type of destruction. This may seem a bit exaggerated and a bit rhetorical, but any American here will bear me out on the assertion. And this is Europe! This is the territory we propose to enter and police! For an acceptance of the league of nations and the peace treaty as they now stand will actually put America in just that position.

"Who remade the map of Europe?

"It was done practically by four men—a Frenchman, an Englishman, an Italian, and an American. The Frenchman, the Englishman, and the Italian all had French, English, and Italian interests to watch out for and protect in this piece of geographical architecture, whereas the American had no American interests in the matter, though he did have some individual pet principles that he wished to see experimented with. What happened anybody could foretell. The American was outnumbered and outvoted, and consequently could not count decisively. When no French, English, or Italian interests were involved, no objection was shown toward permitting the American to bring his principles into play, but when they were involved the principles were promptly thrown into the discard. But because Mr. Wilson did sit on the council of four it is expected that America must assist with her men, her arms, and her money to maintain this new map. Because a dilettante social philosopher and international evangelist was accorded the privilege of ventilating his special theories and principles at the sittings of the triumvirate America must be ready to involve herself in every future struggle that takes place over the Saar, or over Teschen, or over the Banat, or over Silesia, or over Danzig, or over Smyrna, or over Fiume, or half a score other unpronounceable foreign names that Americans never heard of three years ago and which even now they could not positively locate on the right continent.

JUST TO DEFEND A MAP.

"Americans here find it totally incomprehensible to think that America would be willing to mortgage herself, not to one but to dozens and possibly scores, of wars for the sheer pleasure of defending a map just drawn up in the interests of France, England, and Italy. And anyone traveling about on the ground will unhesitatingly affirm that the map contains more wars in it than any document ever penned by man.

"As for the present league of nations, will that automatically prevent these wars? Such a thought is laughed at in Europe. It is treated as the silliest of dreams. The map can be defended and must be defended, if it is to be defended at all, by the four main powers who created it—France, England, America, and Italy.

"Strip the situation of all purely decorative verbiage and it amounts to something like this: France and England and Italy—only it were better to say France and England, for Italy has not been coddled so very much—France and England, then, have remade the map of Europe in a manner most satisfactory to their respective interests, and expect America to assist them permanently in the bloody and horribly expensive business of maintaining that map. Now, all Americans may be quite willing to see France and England remake the map of Europe in a manner most satisfactory to their interests, but the Americans over here, at least, have no desire to see America serve out an indefinite sentence as a European policeman to hold down a Franco-Anglican map.

"Thinking Americans here hope with a hope that transcends description that America will have the saving sense to refuse its signature to the league of nations and the present peace treaty.

"The chief privilege America would win from the contemplated arrangement is that of adding 15 or 20 more Mexicos to its present perplexity across the Rio Grande. We should deal with these largely according to the instructions—not consciously, of course, but unconsciously—of the Franco-Anglican alliance, which created the new map and which thereby created also a certain inevitable policy which sheer consistency would force us to follow.

HOW VIEWS WERE CHANGED.

"Stay out of Europe!"

"That is the cry which recurs eternally in the conversation of the Americans now engaged in traveling about this continent. It would be impossible to transmit and to print the emphasis which Americans here put upon it. Like many of these Americans I came over a convinced believer in the league of nations. On that point I was an enthusiastic Wilsonian. I mention it because I want to bring home the change that a sight of actual conditions effects. I had plenty of bright phrases to flash about. I could say as glibly as anybody: 'The time has come when America must revise her Washingtonian policy.' 'Her isolation is now no longer possible.' 'She must take her place at last as a world power.'

"Ah, how cheap and spurious those phrases appear after one has really studied the present Europe somewhat at first hand! Like a great many other Americans here, I came over a Wilsonian, but I will go back a Washingtonian. No figure in American history looms up to the American over here more impressive, more farseeing, and more prophetic in wisdom than the first President of the young American Republic as he uttered those immortal farewell words to his brethren and his descendants: 'Avoid entangling foreign alliances.' More than 100 years have elapsed since those words were uttered, but the advice up to the present has proved extraordinarily good.

THEIR MESSAGE TO AMERICA.

"A message from Americans on this side of the water to Americans on the other would read very much as follows:

"Don't leave your own safe vessel to board a burning ship. You will do yourself and nobody else any good by such an act, and you will find yourself seriously, if not fatally, scorched in the bargain. Remember the words of George Washington. They have ten times the validity now that they did when he spoke them. Close your ears to the last President and listen only to the first. The dead President even now sees Europe far more accurately and far more clearly than the living one. Refuse the league and the treaty and go back to your splendid post of isolation. Do not step into this tricky swamp. Keep clear of the treacherous traps. Pay no attention to appeals to your too generous and too credulous idealism, for they will merely betray and mislead you. Remain true to your traditions and fulfill that unique and inimitable destiny which only separation from Europe has made it possible for you to achieve in the past, and which only separation from Europe will make it possible for you to realize in the future."

PROVINCE OF SHANTUNG, CHINA.

Mr. WILLIAMS. Mr. President, there seems to have been some geographical and populational mistake made about Shantung, or rather about the part of it which was ceded to Japan by the late treaty, being the part which Germany possessed before. I wish to read a part of this and to insert the balance in the RECORD. It comes from a statistician, I suppose; at any rate, it is an editorial from the New York World.

The Province of Shantung has an area of 56,000 square miles—

I ask the attention of the Senator from Massachusetts [Mr. LODGE] to this, because if these figures are wrong I want to have them corrected.

The Province of Shantung has an area of 56,000 square miles, with a population of about 25,000,000. The leased territory of Kiaochow, surrendered by Germany to Japan, is a fragment of the Province of Shantung, with an area of 200 square miles and a native population of about 200,000. Shantung and Kiaochow have been used interchangeably in recent discussion, but it will do no harm, when the "rape" of Shantung and the "enslavement" of 40,000,000 Chinese are next brought up, to remember that the area primarily in question, Kiaochow, comprises about one-half of 1 per cent of the area of Shantung and less than 1 per cent of its population. There are involved, to be sure, the railway from Tsingtau, the port of Kiaochow, to Tsinaufu, the capital of Shantung, about 250 miles long; the cables from Tsingtau to Shanghai and Chifu; and mining concessions throughout the Province. The question of sovereignty, however, concerns the leased area only, and here Japan has given a pledge of its return to China, within a year, it is understood, retaining for herself harbor facilities near Tsingtau. Only by merging 200 square miles into 56,000 square miles, magnifying 200,000 people into 40,000,000, and assuming that Japan stands ready to break her word does the problem of Kiaochow attain the dimensions it holds in the imagination of HIRAM JOHNSON.

He says here "HIRAM JOHNSON." Of course, he means the Senator from California [Mr. JOHNSON].

The Johnson-Borah argument would be that since Japan has hitherto scrupulously held to her word she is bound to begin breaking it sometime.

Mr. President, I am not sure as to these population or square-miles statistics. Frankly, I have not looked thoroughly into the matter, but I suppose that whoever wrote this has looked into it, and I thought it well to read it for the consideration of the Senator from California [Mr. JOHNSON], the Senator from Idaho [Mr. BORAH], and the Senator from Massachusetts [Mr. LODGE], with a view of having them, if they made any such enormous mistake as this, correct it.

Upon the same subject—and I am always seeking in vain the attention of the Senator from Massachusetts—

A hideous state of affairs Senator JOHNSON has discovered in New England. Everywhere the league of nations was being rammed down the throats of a subjugated democracy by means of "propaganda, intellectual coercion, and political terrorism." Fortunately the Senator from California was on the spot in time. He said, "Let there be light," and immediately the gibbering shades of propaganda, intellectual coercion, and political terrorism fled back to the caves of primeval chaos, and the men of New England are once more free. It is the old story. When I conduct a campaign of education it is leadership; when you carry on a campaign of education it is propaganda. When public assemblies vote to support me it is public opinion rallying to the support of a sacred cause. When public meetings, religious conventions, federations of labor declare in favor of the league of nations it is political terrorism. When Senator JOHNSON takes 200 square miles of Kiaochow and turns it into 60,000 square miles of Shantung, or takes 200,000 natives of Kiaochow and expands them into 40,000,000 Chinese handed over to slavery, it is argument. But when reasons are advanced why the United States should share in the partnership of a reorganized world it is intellectual coercion. Against that final danger we can not be warned too strongly or too frequently. History is full of examples of intellectual coercion, such as the saddling by a conspiracy of scholars upon public opinion of the superstition that 2 and 2 makes 4, or that the earth revolves around the sun.

I do not think the last sentence is quite in keeping with the dignity and argument of the balance of it.

In this connection, sometime ago I discovered that the Senator from Idaho thought he had discovered that the money power in Wall Street was behind the league of nations, and that when these men wanted to reorganize the industries of Europe they were somehow representing a selfish financial autocracy, of just what sort I do not know.

Mr. President, I do not know of any higher service that America can perform to Europe than to bring its immense surplus capital into operation for the purpose of reestablishing the credit and the industries of that devastated country; and I do not know of any more natural thing in the world than for a man who is connected with big business of any description, especially big banking business, to be in favor of a world peace, because if he has any brains at all he knows that the progress, the financial progress, the commercial progress, and the industrial progress, of the world can not go on in a state of war and must find its reconstruction in a state of peace, if at all.

I have never been a slave of the money power, I believe, even in the opinion of the Senator from Idaho, or anybody else's opinion; but sometimes even the money power is right about things; and if the money power be in favor of world peace, the money power has become almost Christian. They are like Agrippa listening to Paul, "almost persuaded"; and if their motives are selfish, I thank God that even their selfish motives contribute to civilization and peace and the progress of the world. I am glad, for once, that they are on the right side.

Mr. President, again, I have never in the Senate been the slave of labor unions, but when I meet an attack upon the league of nations upon the ground that union-labor men want it because they have "a nigger in the woodpile" they are taking

care of, I am glad to see that they are not merely once—because frequently they are right—but they are right in this case; and even if their motives be purely labor motives, I am glad they are accidentally or incidentally or otherwise on the right side.

My object in getting up was to read these statistics and to put the heads of the Senator from Idaho and the Senator from Massachusetts and the Senator from California to work upon them, so that if they are mistaken they may be corrected in the open session of the Senate by a statistician of senatorial dignity replying to a statistician of metropolitan newspaper dignity.

Mr. BORAH. Mr. President, if I may be indulged for a moment—

Mr. LODGE. If the Senator will allow me, I only want to say about the population of Shantung. I got my population figures from the Encyclopedia Britannica—

Mr. WILLIAMS. Yes; but Shantung was not transferred—

Mr. LODGE. I should like to be able to finish one sentence.

Mr. WILLIAMS. Oh, I beg the Senator's pardon; I did not mean to disturb him.

Mr. LODGE. I am trying to finish one sentence. The population figures I took from the Encyclopedia Britannica. They were of the last census, which was some years ago. The figures of the Encyclopedia Britannica were 37,000,000. I have no better authority than that.

Everyone knows, as I stated, that the cession of the territory to Germany included only Kiaochow, Tsintao, and the entrance to the port; but the German rights—railroad rights, mining rights, and concessions—run all through the Province. It gives control of the Province to hold the port of Kiaochow, and the Chinese are protesting because they consider that it takes the whole Province from them practically.

Mr. WILLIAMS. No; Mr. President—

The VICE PRESIDENT. The Senator from Idaho is entitled to the floor.

Mr. LODGE. The Senator from Idaho yielded to me.

Mr. WILLIAMS. I ask the Senator to yield to me. The Senator from Massachusetts confesses that he took the entire population and area of Shantung—

Mr. LODGE. I do not confess anything. I restated what I stated before, and the Senator did not hear me. I stated what I had stated here more than once.

Mr. WILLIAMS. I did not understand.

Mr. BORAH. Mr. President—

Mr. WILLIAMS. The Senator talks about Shantung as if the Shantung Province had been surrendered to Japan. He spoke of it as having a population of 37,000,000 or 40,000,000. He spoke of it as having a large area. The impression left upon the Senate was that 38,000,000 or 40,000,000 Chinamen had been turned over in slavery to Japan.

Mr. BORAH. Mr. President, let me have the floor.

The VICE PRESIDENT. The Senator from Idaho is entitled to the floor.

Mr. BORAH. Mr. President, I had read both these editorials or reviews before the Senator read them into the Record. They were sent to me and I looked them over. After looking them over and after hearing the Senator's statement I find nothing to correct in the statement which I have made here upon the floor.

The Province of Shantung has an area about the same as that of the State of Illinois, about 56,000 square miles, and about the same area as have England and Wales combined. It has a population estimated at from 38,000,000 to 40,000,000. I presume that no one knows definitely just what the population is, but it has a population ranging from 38,000,000 to 40,000,000, or perhaps, as some authorities declare, from 37,000,000 to 40,000,000. The close details of the matter are perhaps immaterial. Speaking with a distinguished Chinaman within the last two days lately from China, a man of some prominence in his country, he stated that the population was likely more nearly 40,000,000 than 38,000,000, but no one knows its precise population.

It is true, Mr. President, the political sovereignty of Shantung has not in technical terms been delivered over to Japan, but in practical effect both the economic and political sovereignty of Shantung have been delivered over to Japan. I have my first statement to read from any student of Far Eastern affairs, including those who have made years of study of it, such as Dr. Jinks and others, which does not state that in effect both the economic and political sovereignty of Shantung have been delivered over to Japan.

It is by reason of the fact that Japan has been given absolute control of the situation which enables her to dominate the entire Province of Shantung. It is, as this distinguished Chinaman said to me in the conversation, "If I have you by the throat, I

may not be in possession of your entire body, but I am in control of it if my grip is sufficient upon your throat to control your action." That is precisely the situation with reference to Shantung. Japan has been placed in control of Kiaochow, of the bay, of the port, of the surrounding territory, of the railroads leading throughout Shantung, which enables her to absolutely control the economic Province of Shantung and also the political Province of Shantung.

It is for that reason, Mr. President, that I say I have no modification to make of my statement, that it was correct. I call the Senator's attention to the fact that in the treaty itself it does not head it "Kiaochow." The heading of the subdivision which has reference to the disposition of this territory is "Shantung," and it is thoroughly understood that Japan does control and dominate Shantung by reason of those provisions.

Later I propose to go somewhat in detail into this matter and to substantiate the facts which I have heretofore given by evidence which I think will not be easily controverted; but in no sense have I made any misstatement of which I am conscious to the Senate in reference to these figures and these facts.

Another thing which I want to call the Senator's attention to is a fact which is as well established in Far Eastern affairs as any other fact could be, and that is that the economic control of a territory is always the political control of a territory, whether the terms of the transfer or the terms of its control be with reference to the political sovereignty or not.

Mr. WILLIAMS. Mr. President, of course the article in the treaty referring to this subject matter is headed "Shantung," because it not only contains the concession of the leased property which Germany had, but it contains also certain provisions about certain railroads and certain mines and other parts of the Shantung Peninsula. That is the reason of that. But the leased territory is the only thing that is transferred in sovereignty to Japan, and the balance of it consists of several mere commercial concessions to certain German companies and to the German Government, which are transferred to Japan. In so far as guarding the railroads is concerned, and in some other respects policing them, the Senator from Idaho is fair in his statement, as he generally is; but to confuse and keep confusing the entire Shantung Peninsula, with 56,000 square miles and some thirty-eight or thirty-nine or forty thousand population, with the 200 square miles of leased territory and 200,000 people—I believe that is the amount—that are transferred from Germany to Japan, is not a fair statement except by inference of argument made by the Senator; and the inference of argument made by him is a thing with which we are free to disagree if we do not think it is supported by the facts, and I for one do not, provided the facts are as stated.

As I said a moment ago, I do not know what the area of Kiaochow and the rest of the bay may be, and I do not know what the population of the leased territory—which is the only territory ceded—may be, and I do not know just exactly how far the railroad and mining concessions which are to be guarded by Japanese police may extend beyond the lines and railroads themselves; but I do submit that this writer in the New York World has shown up what seems to be an admitted territorial and population exaggeration.

Now, of course, in a certain sense the Senator from Idaho is right. It is true that everybody has had China by the throat. Germany took her by the throat. France took her by the throat down in Tonking. We are the only people that had a firm hold on her that ever let it loose. Russia was made to let hers loose by Japan, this "enemy of China" you are talking about. It is true, in a physiological sense, that when you have a man by his throat you also have him by his feet, but that was not the subject matter under discussion. You are holding the commissioners of peace at Paris responsible for "transferring fifty-odd millions of Chinese," and I believe the Senator from California finally got it up to sixty, into "Japanese slavery," and you are holding them responsible for transferring 56,000 square miles of area. Now, those do not happen to be the terms of the treaty.

Mr. BORAH. That is the exact fact.

Mr. POINDEXTER. Mr. President, how many Chinese were turned over to Japan under the terms of the treaty?

Mr. WILLIAMS. How many were there?

Mr. BORAH. About 26,000,000.

Mr. WILLIAMS. In the Shantung Peninsula there are somewhere between 26,000,000 and 56,000,000 people. The truth is, nobody knows. There are about 200,000 people in the Kiaochow reservation and the coast lines along the bay, and that is all Japan gets under the treaty.

Mr. POINDEXTER. That reminds me a good deal, Mr. President, of the charge that was made against a man down in a section of the country not far from where the Senator from

Mississippi lives of stealing nine ballot boxes. He put in the defense that that was an infamous lie, that he did not steal nine ballot boxes; he only stole three. [Laughter.]

Mr. THOMAS. Mr. President, I call for the regular order.

Mr. WILLIAMS. Mr. President, there is a good deal in that, too; and from my standpoint, being dissatisfied with the whole provision about Kiaochow and the balance of it, I concede that there is not much difference in moral turpitude between grand larceny and petty larceny. But that does not interfere with my contention that Senators must not exaggerate, and that when Senators are representing things to the American people they must not make things ten times as great as they are.

Mr. BORAH. Mr. President—

Mr. THOMAS. I must insist upon the regular order.

Mr. BORAH. Will the Senator let me have just a word?

Mr. THOMAS. I certainly will, but then I must insist upon the regular order.

Mr. BORAH. I just want to say that if the Senator will take the Record, and call attention to a fact which I stated as a fact which he can substantiate to be incorrect, I shall be delighted to have it stricken from the Record and hereafter observe the observation which he has made with reference to exaggeration.

Mr. WILLIAMS. Mr. President—

Mr. THOMAS. I call for the regular order.

Mr. WILLIAMS. I knew beforehand that the Senator would call for it against me.

The VICE PRESIDENT. There is a call for the regular order. The presentation of petitions and memorials is in order.

Mr. WILLIAMS. Just one moment in reply to that. I knew beforehand—

The VICE PRESIDENT. The Chair has no option in the matter. The regular order is called for.

AFFAIRS IN MEXICO—PERSONAL PRIVILEGE.

Mr. FALL. Mr. President, on a question of personal privilege, I desire to read into the Record, in connection with remarks made by myself on the 18th instant, I think, the following telegram:

BODIES OF MEXICANS FOUND BY UNITED STATES MEN NOT CLOTHED IN CARRANZA UNIFORMS.

EL PASO, TEX., July 19.

No bodies of Mexicans clothed in the uniform of the Carranza government have been found by American troops of the El Paso military district, Brig. Gen. James B. Erwin announced, when shown Senator A. B. FALL's statement from Washington, saying that American troops found bodies of Mexicans in the uniform of Carranza troops.

His command—

That is, that of Gen. Erwin, I presume—includes the Big Bend subdistrict, where a number of raids have occurred since January 1.

Peter Catron, word of whose death at the hands of armed Mexicans at Valles, San Luis Potosi, was received to-day, formerly was employed here.

I made the statement here that within the last year various raids had occurred, and that upon various occasions our soldiers had gone across the line into Mexico, and that upon various occasions they had killed Mexicans and found them in the Carranza uniform. I referred specifically to the Big Bend district of Texas. I desire to correct the statement in this telegram, first, that Gen. Erwin is in command of the Big Bend district, that it is a subdistrict under his command. That is entirely an error. The subdistrict is commanded by Col. Langhorne, who is directly under the command of Gen. Cabell, at San Antonio. Gen. Erwin is also under his command, but Gen. Erwin's district ends below Fort Hancock, about 25 or 30 miles from El Paso.

This is the first correction which I desire to make. I desire to state further that Gen. Erwin has been in command at El Paso alone for three months past, taking the place of Col. S. H. Tompkins as commander at Fort Bliss.

In the next place, I desire to reiterate the statement which I made here that within the last several months—I will not undertake to limit the time exactly—upon either seven or eight occasions troops of the Seventh Cavalry, United States Army, have pursued Mexicans across the Rio Grande into Mexico, and that upon either six or seven of those occasions they have recovered a large amount of the stolen property carried across by the raiding Mexicans. I desire further to reiterate the statement that Carranza soldiers and officers have been killed, not only in Mexico but on this side, by our regular American soldiers, troops of the Seventh Cavalry.

I am not at liberty to give the name of the sender of this telegram. I will give it in confidence to any member of the Military Affairs Committee, who, I may say, will be thoroughly familiar with it, and I may say further that this telegram was not sent me at my request.

MARFA, TEX., July 20, 1919.

Following Carranzista officers and soldiers killed in raids on this side by American troops: Lieut. Flores killed near Hacienda on December 21, 1918; Capt. Antonio Avila killed at Brites ranch December 25, 1918. Chico Cano is now a captain Carranzista forces, raided cattle ranch on this side April 1, 1919. Following Carranzistas were killed: Felicio Hernandez, Reyes Callanes, Pedra Falas, Andres Rodriguez, Placido Zapata. Capt. Estrella, Carranzista, implicated in cattle stealing, this side, September 24, 1918. Capt. Eugenio Garcia raided Nunez ranch March 22, 1919. Carranzista Capt. Cecelia Estrea, Luis Munoz, Ramon Segura, and Carlos Rivera, all Carranzistas, have been killed during raids along river.

In raids upon this side bugles of the regular Carranzista forces have been left when the thieves were driven off by the American troops. I may say that an investigation will show that at least two sabers and accouterments of Carranzista officers killed on this side are now in the possession of Americans, one of them being in the possession of a Mr. Poole at Marfa, Tex.

I simply make this statement for the purpose of showing how absolutely unfair the news is as it comes from the Associated Press with reference to this, and I may say with reference to any other public matter to which my attention has been drawn.

Gen. Erwin undoubtedly did not state to the correspondent that he was in command of the subdistrict of the Big Bend. He certainly could not have made any such statement, and yet that is the inference, and the only inference, to be drawn. He knows nothing about the matters which I have referred to, because he has been there only a short time. Now, an investigation will prove or disprove the correctness of the statements which I have made; and I want to say further that if such an investigation is carried on, or any investigation whatsoever is made by the Military Affairs Committee, I should like to have them investigate the action of Gen. Erwin himself in going across the river to Juarez a few days since—not that I regret for one moment that he did go; not that I have anything but praise for him in going across the river. As to his actions when he got across the river, I should like to have them investigated, and I should like to know why it was apparent to everyone that the men whom he was seeking to punish and those whom he was killing were the Villistas and not the Carranzistas; and I should like to have the information upon which he acted when he made any character of statement that the bullets fired across the border were fired by Villistas and not by Carranzistas.

CALENDAR MONDAY DISPENSED WITH.

The VICE PRESIDENT. The morning business is closed.

Mr. ROBINSON. I ask unanimous consent, in order that the Senator from Ohio [Mr. POMERENE] may proceed with his remarks, that the call of the calendar be dispensed with under the rule.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Ohio will proceed.

THE PEACE TREATY AND LEAGUE OF NATIONS.

Mr. POMERENE. Mr. President, I have committed what I have to say to paper, and I would appreciate it if I be permitted to continue without interruption until I shall have concluded. At that time I shall be only too happy to attempt to answer any questions which it may be the desire of Senators to submit to me.

I realize fully that the purpose to organize the league of nations is the most solemn, the most far-reaching step ever contemplated by the United States of America. But this fact should neither appall nor make us hesitate. We are living and taking part in the greatest events of history. Extraordinary conditions require extraordinary remedies.

In common with our allies we measured swords with the greatest military power since recorded history began. With the help of a Divine Providence right has prevailed. Germany's imperial sword is broken. Seven million five hundred thousand soldiers, the flower of the world's manhood, lost their lives on the battle field. Twice as many more were wounded, and probably from ten to twenty millions became the victims of war's ravages, in many instances no less tragic than those who made the supreme sacrifice.

The cause of civilization is still in the balance. While Germany has lost the war, her people, as is evidenced by the utterances of some of her public men, and her public prints, are looking forward to the day when she can again resume war against her neighbors for the purpose of retrieving her lost fortunes.

The red flag of anarchy and Bolshevism still waves throughout eastern and central Europe. The peoples that for years had been ground down under the military heel of Germany, Austro-Hungary, Turkey, and Bulgaria, even though they are now enjoying independence and have resumed, or are about to

resume, their places in the family of nations, have been bled white by the ravages of war, and lie trembling at the very feet of their recent masters. The United States with our Allies are their only hope of defense.

After the armistice was signed the peace commissioners from 14 different nations, representing 14 different civilizations, with 14 different political systems, of different races, different religions, and speaking different tongues, all of whom had been more or less the victims of the military power of Germany, met together about the conference table, and as a result of their deliberations the President presents to us a treaty of peace, which includes the terms of settlement of the war, and a plan looking to the security of the peace of the world for the future.

That it is not perfect all concede. That it would have been written differently if it had been drafted by the American Nation alone there can be no doubt. And, may I add, if it had been left to the handiwork of each of the United States Senators, there would have been 96 different treaties. It should not be surprising if there were not certain important provisions of this treaty which were strenuously objected to by the representatives of one or more of the nations involved.

When I consider the conflicting interests assembled and the discordant views which must have been voiced, to borrow a thought from Dr. Benjamin Franklin concerning the Constitution of the United States, I marvel not that it is imperfect but because it contains so many sound fundamental principles. And my belief is that, after having labored so long and so successfully, we should forget what differences of opinion we may have rather than to lose the fruits of their labors, not knowing when the nations could again reassemble to take up this work; and if they did reassemble, how soon any result could be expected from their labors.

If this treaty is rejected, what is to take its place? To quit now is as if, after the flames of a great conflagration had been checked, the fire department were to quit its work while burning embers were lying around in the vicinity of inflammable buildings, to be again fanned into fury by the first winds that blow.

Many of those who criticize the league have no remedy to propose. Many others present suggestions which to a greater or less degree would jeopardize the chances of ratification and postpone the day for the rehabilitation of the world.

In view of the unrest now prevailing and the immediate necessity for the preservation of the world's peace at all hazards, I believe it better to accept the treaty as it now stands and trust to the future to make such changes as experience may suggest.

I have been hoping ever since the armistice was signed that the discussion of the terms of settlement, whether in or out of the Senate, would be conducted along nonpartisan lines. The waging of the war was not a party question. The making of peace ought not to be a party question.

I do not agree with my friend the distinguished Senator from Idaho [Mr. BORAH] that it must be a partisan issue, and that if the Republicans do not make a declaration against the league of nations there will be a party which will make it an issue.

At the same time I fear that whatever may have been the purpose of the methods adopted by our Republican friends the effect of their course has been to make it a party question.

There are certain indisputable facts which, to say the least, look in that direction.

First. In the dying hours of the last session of the Senate the distinguished Senator from Massachusetts presented his "round robin," signed by 37 Republican Senators in support of a resolution which stated that while it was "their sincere desire that the nations of the world should unite to promote peace and general disarmament, the constitution of the league of nations in the form now proposed to the peace conference should not be accepted by the United States." This was presented out of order at a time when it could not receive the consideration of the Senate except by unanimous consent, and it was presented just as the President was about to embark for Paris to resume his laborious task at the peace table, and at the time it must have been known that it would embarrass the peace commissioners in the performance of their duties.

Did this seem to have the color of pure Americanism or of partisanship?

Second. Still later, when the new draft of the treaty was made public, the eminent leader and the distinguished whip of the Republican Party in the Senate sent their joint telegram to all the Republican Members of the Senate asking them not to commit themselves finally as to the new league, but to await the result of a conference of the Republican Members.

Did this look like the exercise of the spirit of Americanism or of Republicanism?

Third. On March 24, 1919, Mr. Will H. Hays wrote to ex-Senator Root, asking for his views on the subject of the league of nations. His letter is signed, not by "Will Hays," nor by "Will Hays, the American," but by "Will Hays, chairman." We only know him as the chairman of the Republican national committee. And the answer of Senator Root is not addressed to "Will Hays" or to "Will Hays as an American citizen," but to "Hon. Will H. Hays, chairman of the Republican national committee, 452 Fifth Avenue, New York City."

Did this look like an abiding interest in things American or in things Republican?

Fourth. Some days ago the public press announced that Hon. Will H. Hays, chairman of the Republican national committee, would come to Washington to confer with the Republican Senators as to what their attitude should be with respect to the league of nations and to harmonize their differences and to adopt plans; and, true to the information given in the public prints, the Hon. Will H. Hays, chairman of the Republican national committee, was here and held conferences, not with Republicans and Democrats but with Republican Senators.

Does this look as if his efforts were being made in the interest of an American peace or in the interest of a Republican program?

Fifth. On March 22, 1919, Mr. Will H. Hays, as chairman, issued a circular letter upon the letterheads of the Republican national committee calling attention to the fact that he wanted as many Republican speeches made in the next 18 months as possible, and stated that while all these speeches would not be under "direct Republican auspices," he urged them to use "Republican matter wherever consistent with proprieties and in whatever kind of speech they may be making." And then he significantly added:

We all recognize the potentiality of the Chautauquas in this connection, and many Republicans are making connections with Chautauquas who heretofore declined this kind of work. I have felt that the national good is so great that we can all afford to rather strain a point, possibly, to help spread the doctrine of good government, and I think it is entirely within the proprieties for as many Republicans as possible to make speeches, Chautauqua and otherwise, all to that end.

Does this look like a real concern for America first, or for Republicanism first?

These facts speak for themselves; and while we recognize the protests on the floor of the Senate that the covenants for the league of nations are being considered only from an American viewpoint, the American people can not be blamed if they are somewhat disposed to believe that while it is the voice of an American Jacob they hear it is the hand of a Republican Esau they feel.

I fear some of our friends "protest too much."

There is one sense in which the league of nations is becoming a Republican Party issue. Indeed it has already developed as such to a degree which makes some Republican Senators both "believe and tremble." I refer to the perfectly well-known revolt within the Republican Party against the ideas and the acts of their leaders here. Republicans who have stood high in the past and who stand high now in their party councils are not heard in admiration, but in deprecation of the present attitude of their party associates here in the Senate.

The word of warning is not sounded alone by Democratic voices. It is heard strong and clear within the Republican ranks. The best thought among Republicans, as well as among Democrats, looks askance at the making of the league a party question.

But notwithstanding the course a part of the discussion on the league of nations has taken in the Senate, and the fine Italian hand that has been trying to make it a political issue, I still indulge the hope that the ratification of the pending treaty shall be decided only from the standpoint of Americanism without regard to its political effect; but if the same methods and same purposes prevail in the future that have characterized a part of the discussion in the past three months, I challenge, I defy, those who would make it a party issue to continue the fight. I make bold to assert that as a result of the war the overwhelming majority of the people of America can not be persuaded to take a stand against the league of nations, even though it may conflict more or less with the policies of the past. The men, the women, and the children who have suffered can not be longer convinced that the settlement of international disputes shall be by appeal to the sword. Hereafter they intend that such an appeal shall be only as a last resort.

I owe my allegiance to the Democratic Party. I believe in its principles and hope for its success, but I would rather have my party lose and the league of nations win than to have my party win and the league of nations lose.

SOME PROVISIONS OF THE COVENANTS FOR THE LEAGUE OF NATIONS PRIOR TO THEIR ENFORCEMENT.

Before proceeding with my discussion I desire to call special attention to the following controlling provisions of the covenants for the league of nations:

First, the purpose of the league is—

(a) To promote international cooperation; and
(b) To achieve international peace and security by the acceptance of obligations not to resort to war; by the prescription of open, just, and honorable relations between nations; by the firm establishment of the understandings of international law as the actual rule of conduct among governments; by the maintenance of justice and the scrupulous respect for all treaty obligations in the dealings of organized people with one another.

Second. The jurisdiction of the assembly and of the council relates only to international and not to intranational or domestic disputes, and, except where otherwise provided in this covenant or by the terms of this treaty, decisions at any meeting of the assembly or of the council shall require the agreement of all the members of the league represented at the meeting.

Third. Disputes (article 12) between the members of the league, which they recognize to be suitable for submission to arbitration, and which can not be satisfactorily settled by diplomacy, shall be submitted to arbitration. Among the disputes declared by the convention to be suitable for submission to arbitration, without attempting to enumerate all of them, are the interpretation of a treaty, questions of international law, the existence of any fact which if established would constitute a breach of an international obligation, and the extent and nature of the reparation to be made for any breach. Any award which may be made must in good faith be carried out.

Fourth. Any other dispute which is not submitted to arbitration shall be submitted for investigation to the council, whose duty it shall be to endeavor to effect a settlement, and if these efforts are successful, then a statement shall be made public giving such facts and explanations regarding the dispute and the terms of the settlement as the council may deem appropriate.

Fifth. If the dispute is not settled by the council, and after investigation it agrees upon a report unanimously, other than the representatives of one or more parties to the dispute, it shall be binding.

Sixth. If the council fails to reach a report which is unanimous, other than the representatives of one or more of the parties to the dispute, the members of the league reserve to themselves the right to take such action as they consider necessary for the maintenance of right and justice.

Seventh. If the dispute is claimed by one of the parties and found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report without making any recommendation as to settlement.

Eighth. If the dispute has been submitted to arbitration, and an award is made, or if to an investigation and the report and recommendation of the council are unanimous, excepting the vote of those who may be parties to the dispute, then the award or the report and recommendation of the council shall be binding, and the league obligates itself not to go to war with the party that complies with the award or with the report of the investigation.

Ninth. The members of the league agree in no case to resort to war until three months after the award of the arbitrators or the report by the council. The award must be made within a reasonable time, and the report of the council within six months after the submission of the dispute.

Tenth. The council may in any case refer the dispute to the assembly, and it shall be so referred at the request of either party to the dispute, providing it shall be made within 14 days after the submission of the dispute. In the event that the dispute is thus referred to the assembly, then it shall take such action and exercise such powers as are given to the council, provided that the report by the assembly shall have the same force and effect as a report of the council if it is concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute.

Eleventh. Provision is made for the fullest publicity of the facts of the dispute, with the recommendations which may be made either by the council or assembly or any member of the league.

If I may be permitted to condense these provisions of the covenants in so far as they define the procedure which may be taken up to the point where it may become necessary to en-

force the award of the arbitrators or the report and recommendations of the council or of the assembly, the members of the league agree to submit to arbitration and award all international disputes which they recognize to be a proper subject for arbitration, and all other international disputes to investigation, and they oblige themselves to accept these awards or recommendations without resorting to war.

I submit that thus far in the recital of the provisions of the covenants there is nothing either subversive of the Constitution, violative of sovereignty, or contravening wise national policy. If I am wrong, then all arbitration or peace treaties are subject to the same objection.

I submit, further, that the obligations thus entered into are mutual in character. No member of the league surrenders any right or privilege for which he does not receive a corresponding right or privilege from every other member of the league. And all of this is done in the interest of world peace.

PROVISIONS FOR ENFORCEMENT OF THE AWARD AND RECOMMENDATIONS.

Twelfth. The members of the league—article 14—agree to carry out in full good faith any award that may be made, and not to resort to war against a member of the league which complies therewith. If there is a failure to carry out such award the council shall propose what steps shall be taken to give effect thereto.

Thirteenth. If any member of the league resorts to war in violation of its covenants, it shall be deemed to have committed an act of war against all the other members of the league. But they do not obligate themselves to go to war, though the conduct of the delinquent member may be such, under the terms of the covenant, as to give cause to go to war.

Fourteenth. The members of the league undertake, in the event that an act of war has thus been committed by a delinquent nation, to subject it to the severance of trade and of financial relations, prohibit all intercourse between their nationals and the nationals of the covenant-breaking State, and prevent financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not. In other words, the delinquent nation is to be boycotted, and no nation, save perhaps the United States, could withstand this severance of intercourse with the other nations of the world for any great length of time. In this respect the United States would have a very decided advantage over any other nation which may or may not become a member of the league.

Fifteenth. In no case do the covenants legally compel a member of the league to declare war against a delinquent member. The war-making power of each nation, except as to the extent of its armament, continues as heretofore. Under the covenants of the league the council only recommends to the several Governments concerned what effective military or naval force the members of the league shall severally contribute to the armament of forces which may be necessary for the protection of the covenants of the league. Whether these military or naval forces are furnished or not is optional with each member, or at most, the obligation is moral and not legal.

Sixteenth. They do, however, agree to support one another in the "financial and economic measures" which may be undertaken in order to minimize the loss and inconvenience resulting from the above measures and mutually to support one another in resisting any special measures aimed at one of their number by the covenant-breaking State. They also agree to afford passage through their territory to the forces of any of the members of the league which are engaged in its protection.

Seventeenth. In stating these several propositions I do not overlook article 10, which provides "that the members of the league shall respect and preserve as against external aggression the territorial integrity and existing political independence of all its members," and "in case of any such aggression or in case of any threat or danger of such aggression the council shall advise the means upon which this obligation shall be fulfilled," but I shall make special reference to this article later in my discussion.

Eighteenth. Any member of the league, after two years' notice of its intention so to do, may withdraw from the league, provided all its international obligations and all its obligations under these covenants shall have been fulfilled at the time of withdrawal.

Nineteenth. Amendments to the covenant will take effect when ratified by the members of the league whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly; and no amendment shall be binding on any member of the league which signifies its dissent therefrom, but in that case it shall cease to be a member of the league.

Twentieth. The covenants also provide that if any member of the league has violated any of its covenants it may be expelled from membership by a vote of the council, concurred in by representatives of all the other members of the league represented thereon.

I submit with respect to these provisions for the enforcement of awards and recommendations, as I did with regard to the steps to be taken leading up to their making, that there is nothing contained in them which is violative of the Constitution or a surrender of our sovereignty when properly construed. And taking this view of the subject, I feel it would be a calamity not to approve the covenants.

GENERAL OBJECTIONS TO THE LEAGUE.

Most of the objections urged against the covenants for the league of nations are embraced in four classes. It is charged:

First. That they are unconstitutional;

Second. That they are a surrender of our national sovereignty;

Third. That they violate the Monroe doctrine; and

Fourth. That they constitute an entangling alliance with the other nations of the world, which we ought to avoid.

I shall consider them in the order named.

CONSTITUTIONALITY OF THE LEAGUE.

The Constitution of the United States, the laws made in pursuance thereof, and all treaties made or to be made under the authority of the United States, are declared by the Constitution itself to be the supreme law of the land.

Chief Justice Marshall, in *Foster v. Neilson* (2 Pet., 314), says:

A treaty is in its nature a contract between two nations, not a legislative act. * * * In the United States a different principle is established. Our Constitution declares a treaty to be the law of the land. It is consequently to be regarded in courts of justice as equivalent to an act of the Legislature, whenever it operates of itself without the aid of any legislative provision, but when the terms of the stipulation import a contract, when either of the parties engages to perform a particular act, a treaty addresses itself to the political not the judicial department.

Mr. Justice Shiras, in *Thomas v. Gay* (169 U. S., 271), says:

It need hardly be said that a treaty can not change the Constitution or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government. The effect of treaties and acts of Congress when in conflict is not settled by the Constitution, but the question is not involved in any doubt as to its proper solution. A treaty may supersede a prior treaty.

Again, permit me to quote briefly from Mr. Justice Miller in the *Head Money* cases (112 U. S., 598). He says:

A treaty is primarily a compact between independent nations. It depends upon the enforcement of its provisions on the interest and honor of the governments which are parties to it. If these fail, its infraction becomes the subject of international negotiations and reclamations so far as the injured party chooses to seek redress, which may in the end be enforced by actual war.

Without discussing the reasons for the rule I shall content myself by saying a treaty is not superior to an act of Congress, nor is an act of Congress superior to a treaty.

Mr. Justice Miller says (112 U. S., 599):

So far as a treaty made by the United States with any foreign nation becomes the subject of judicial cognizance in the courts of this country, it is subject to such acts as Congress may pass for its enforcement, modification, or repeal.

This, in brief, is the state of our law.

The President, by and with the advice and consent of the Senate, has the power to make treaties, provided two-thirds of the Senators present concur.

This power of the President and the Senate thus stated is without any express limitation. Of course, it is conceded that they can not either by concurrence or independently of one another exercise any power which the Constitution has reserved to or conferred upon any other governmental agency.

To illustrate my thought:

The power to declare war is conferred upon Congress, but because the express power to declare war is conferred upon Congress it does not follow that the treaty-making power may not declare, within the provisions of the Constitution, what shall constitute an act of war or the terms and conditions upon which the United States would agree to go to war. If the Congress should pass a joint resolution declaring war against another nation for an act defined by a treaty, properly ratified, to be an act of war, clearly no one could say that the treaty was unconstitutional or that it was a usurpation of power or that the Congress had acted beyond its jurisdiction. So, on the other hand, if another nation should enter into a treaty with the United States whereby they had agreed that certain conduct should constitute an act of war and the Congress should refuse to declare war, it would not follow that the treaty was unconstitutional. It would simply be unenforceable, because the war-making power had refused to act. Or, if I

may express another shade of the same thought, this, the Sixty-sixth Congress, might be willing to declare war against a nation because of an act defined by the treaty to be an act of war, and the Sixty-seventh Congress under identically the same circumstances might refuse to do it. It could hardly be said that because the Sixty-sixth Congress acted in harmony with the treaty therefore the treaty-making power was acting constitutionally, and because the Sixty-seventh Congress refused to declare war therefore the treaty-making power was acting beyond the scope of its powers or unconstitutionally.

If any Congress refused to act in harmony with the treaty, the nation regarding itself aggrieved could simply say to the world that we had refused to keep our contract. Of course, every Senator expects this Government to keep faith with all foreign nations. We intend to carry out our treaty obligations, whatever they may be, assuming, of course, that the powers are acting in good faith; but even if a future Congress should refuse to comply with the terms of a treaty made by the treaty-making power of the United States, it must be borne in mind that the whole world, including the signatory powers, are cognizant of the fact, when the treaty is made, that a future Congress might refuse to carry out the provisions of the treaty. It could not, therefore, be said that we were not exercising good faith when we entered into the treaty or that we had acted in bad faith because in the eyes of another generation the Congress should either do or leave undone something which the treaty may obligate us to do or not to do. As stated before, it would be a breach of contract, not a breach of faith.

I prefer to assume that the signatory powers to the treaty, whatever its final form will be, will in all things be reasonable and just. I prefer to believe that with the restrictions placed upon the assembly and council as defined by the covenants of the league of nations all the signatory powers, including ourselves, will act in good faith. This position differs in no respect from the attitude we assume toward every nation when we enter into a solemn treaty obligation with it.

SURRENDER OF SOVEREIGNTY.

Much of the opposition to the treaty is based upon the assumption that if it is signed and finally ratified by the Senate it will be surrendering to the league of nations certain sovereign powers.

Every independent nation exercises sovereignty. It may have relation to either its domestic or international affairs, or both. The covenants of the league of nations relate only to international affairs.

If a nation saw fit to build a Chinese wall around its territory and cut itself off entirely from all intercourse with the nations of the world, it would be a sovereign nation, but no more sovereign than if it entered into treaties with other nations, regulating their commercial or political intercourse, and including therein the settlements of all international disputes arising out of those commercial or political relations. The fact that the United States in the past has entered into commercial or political treaties, prescribing certain rules of conduct, has never, so far as I know, been construed to be a surrender of sovereignty. Clearly this must be so unless we use the words in a very narrow and technical, not to say captious, sense. It may be that those rules, regulatory in character, place certain restraints upon us, just as the treaty places restraints upon the other signatory powers. If these treaties have placed any restrictions upon the exercise of any power, it is because we have received something in return.

It has not occurred to anyone to say because we entered into certain commercial treaties with Great Britain, or France, or Italy, or China, or Japan that we are a less sovereign people than we were before those treaties were signed and ratified. The making of treaties is an incident, an exercise of sovereignty, not a surrender of sovereignty.

In 1911 we denounced our treaty with Russia because of her discrimination against our Jewish citizens, and since that time we have had no treaty relation with Russia, though we continued until recently to have commercial relations with her.

Were we more a sovereign nation after this treaty was denounced than we were before and while it was binding upon both the nations?

We had treaties with Germany prior to April 6, 1917, defining certain mutual rights and obligations between the two Governments and their nationals. All of them were at least suspended, if not terminated, by the declaration of the state of war.

Are we any more a sovereign people now than we were before we entered into the war with Germany?

If this reasoning be sound, and I believe it is, can it be said because we are about to enter into certain covenants with other

nations of the world, in the interest of world peace, wherein all of the signatory powers bind themselves to limit their armaments and to submit their international disputes to arbitration, or to investigation and report by the council or the assembly, that we are thereby surrendering our sovereignty? If so, then why did not some of the eminent Senators in this Chamber, who are now opposing this treaty, disclose to us the fact that they were inviting the United States to surrender its sovereignty when they asked us to enter into the arbitration treaties with Great Britain and France, which were negotiated by the distinguished Senator from Pennsylvania, and which were, with certain amendments, it is true, strongly championed by the learned chairman of the Foreign Relations Committee?

If these covenants of the league of nations be a surrender of sovereignty, why were we not so told at the time of the pendency of the so-called peace treaties, 29 in number, which were ratified by the Senate while Mr. Bryan was Secretary of State?

The covenants of these treaties were substantially the same. The treaty with Great Britain provided that—

All disputes between them of every nature whatsoever, other than disputes the settlement of which is provided for and in fact achieved under existing agreements between the high contracting parties, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent international commission * * * and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Under these treaties the United States was obligated to submit all disputes of any nature whatsoever to investigation.

The international commission for which they provide is required to report within one year after the date the investigation shall be declared to have begun, unless the high contracting parties shall limit or extend the time by mutual agreement. So it appears that each of the signatory powers to each of these treaties solemnly agreed to suspend its right to declare war or to begin hostilities for one year. These treaties were entered into in the reasonable exercise of our sovereign powers as a nation.

Did it occur to any of the distinguished Members of the Senate now opposing the ratification of the pending treaty to suggest that the United States by entering into those peace treaties had surrendered its sovereignty?

Was it either a surrender of sovereignty or an exercise of unconstitutional power when the United States, in 1903, entered into a treaty with the Republic of Panama, and agreed to guarantee and maintain the independence of the Republic of Panama? Does it differ in principle from article 10 of the league of nations, in which members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league?

Let me put the question to the Senate in another form.

Let us assume, for the sake of the argument, that to enter into these covenants is an unconstitutional act and a surrender or violation of our sovereignty. It certainly can not be a greater offense against the Constitution to enter into a treaty obligation agreeing to protect and defend the territorial integrity and the political independence of one of the newborn nations of Europe than it is under the Monroe doctrine to assume the same obligation with respect to the Republics of Central and South America. It can not be a greater violation of our Constitution to join in this league than it was to declare our intention to exercise a self-imposed obligation with respect to South and Central America.

What power is there under the Constitution which permits us to say that we, unpetitioned, shall assume a protectorate over the territorial integrity and political independence of the South and Central American countries? It can no more offend our sense of sovereignty by entering into an agreement affecting international relations in European countries than to attempt to exercise sovereignty over the nations of South and Central America.

Assuming, for the sake of the argument, without admitting it, that we are denying ourselves sovereignty when we enter into peace covenants with our allies for our mutual protection, is it a worse offense than to assume a sovereignty over American Republics when we do not have it and when some of them even resent it?

And let me say in passing that however much we may be enamored of the Monroe doctrine it is not altogether an unmixed blessing. Many of the people in South America resent our self-imposed guardianship over them under the Monroe doctrine, and they would, in my judgment, accept in a more gracious spirit any arrangement such as the league of nations, in which they are to be parties and which will give to both them and us the same protection that we now enjoy under the Monroe doctrine.

MONROE DOCTRINE.

One of the objections most strongly urged by the opponents of the league of nations is that in the first published draft it did not recognize the Monroe doctrine, and in the final draft it is not sufficiently defined.

If this were true it would present a serious problem, and particularly would this be so unless something better was offered.

Article 10 of the league of nations in both drafts is substantially the same. In its present form it reads:

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

This involves the principles of the Monroe doctrine extended to all the members of the league. However, out of the abundance of caution, and no doubt in answer to the criticisms made after the publication of the first draft, it was expressly provided in section 21 that—

Nothing in this covenant shall be deemed to affect the validity of * * * regional understandings like the Monroe doctrine for securing the maintenance of peace.

The Monroe doctrine has never been recognized as a principle of international law. It is not even a municipal law. It is, as former Secretary of State Olney said, "an American fiat." It is a policy of the United States, so declared as a principle of self-protection. The critics of the league say it is not "a regional understanding," and it may not be. The phrasing is not happily chosen. But does not every student of the subject know what was intended? The Monroe doctrine is designated by name. It is a misnomer to call it a regional understanding, but so long as the subject matter is described, what boots it if it has been misnamed?

James Monroe did not issue his message for its own sake, but because with him it was "safety first" for the Nation. An extract from his message reads:

The American Continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers.

He further says:

In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. * * * The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments, and to the defense of our own which has been achieved by the loss of so much blood and treasure and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole Nation is devoted.

Again:

We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or independencies of any European power we have not interfered, and shall not interfere, but with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of opposing them or controlling in any other manner their destiny by any other European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

Our experience up to the time of this pronouncement taught us to be on our guard against European aggression, whether aimed at us directly or indirectly through encroachment on our neighboring peoples in America. In a word, the whole purpose of the Monroe doctrine was the "defense of our own." The extension of European systems to the American Continent was believed to be dangerous to our peace and our safety.

Later, when the dispute arose between Great Britain and Venezuela over the boundary line between Venezuela and British Guiana, Secretary Olney said, in part:

To-day the United States is practically sovereign on this continent and its fiat is law upon the subjects to which it confines its interposition. * * * There is, then, a doctrine of American public law, well founded in principle and abundantly secured by precedent, which entitles and requires the United States to treat as an injury to itself any forcible assumption by an European power of political control over an American State.

President Cleveland said in the same controversy:

The Monroe doctrine finds its recognition in those principles of international law which are based upon the theory that every nation shall have its rights protected and its just claims enforced.

Note now the following facts:

First, President Monroe, in announcing his famous doctrine, says:

In the wars of the European powers, in matters relating to themselves, we have never taken any part.

But conditions have changed since those words were written. The great World War has been fought, but its fruits have not yet been secured either to our allies or to ourselves. It

first related only to Europe, but it spread until America, 3,000 miles away, was drawn into the maelstrom.

Second, President Cleveland told us in substance that the Monroe doctrine found its recognition in that principle of international law which declares "that every nation shall have its rights protected and its just claims enforced." Does not this principle apply to the unusual conditions in Europe to-day and to the consequent dangers likely to arise therefrom as well as to conditions in Venezuela at the time Cleveland wrote his famous message?

Third, The United States is now a world power. Its interests are world-wide. We are no longer confined to the American Continent. We possess the Philippines in the Far East, and a number of islands in the high seas. Our foreign commerce extends to the four corners of the earth. It totals more than \$8,000,000,000 annually. Our responsibilities to the Philippines and to our possessions, wherever located, are greater than our self-assumed obligations under the Monroe doctrine to the Republics to the south of us.

When we entered the World War on April 6, 1917, we made common cause with our allies against our common enemy—the enemy of mankind. We were brothers in arms during the war. We encouraged the Czecho-Slavs, the Jugo-Slavs, the Poles, the Armenians to arise in revolution against their former masters, who were our enemies as well as theirs. Whether rightly or wrongly, we led them to believe that when success was perched upon our banners we would welcome them into the family of nations. They were justified in believing our promises then, and honor requires that we shall not permit them to lose faith in us now. What will history say of us if we leave these, our allies, in time of war to the merciless cruelties of the Hun and the Turk? Is it possible that our responsibilities to them are ended because the cannons have ceased to roar?

We did not enter this war with the intention of turning our backs upon our friends when it would suit some selfish purpose. We entered it to fight together, to win together, and, in my humble judgment, to keep the peace together.

Who does not know that we are nearer to Europe to-day than we were to Central and South America at the time the Monroe doctrine was announced? Who is not conscious of the fact that the dangers to the world peace and to our safety are in Europe to-day rather than in Central or South America? Why should we be so eager to assert our sovereignty over the Americas, from which no evil has come upon us, and at the same time blind ourselves to the dangers in Europe which well-nigh overcame the world? I want to preserve the Monroe doctrine in its entirety, but if I must choose between the preservation of the Monroe doctrine and the league of nations I shall prefer the latter. Sound statesmanship suggests our guarding against great dangers where they now exist and where they are likely to break out at any moment if we are not on our guard, rather than to limit our concern to the conditions in the Americas, present or future, from which even the most timid do not anticipate danger to the Republic. Fortunately we are not driven to choose between the two. We can have the protection of both the league of nations and the Monroe doctrine.

What nation during the last half-century at least has had any covetous designs on South or Central America save Germany? What nation is it that strikes terror into the hearts of devastated regions of Europe save Germany? What nation ever suffered such a humiliating defeat as Germany? And because she was not made to suffer by invading her territory and laying waste her cities and towns she still continues at heart the relentless foe of all mankind. No qualms of conscience torture her; no pang of regret, save that she did not win. Only a short while before the defeat of her armies and the surrender of her fleet her people in the interior were planning for the next great world war. It may be said that her masters did not even allow her people to know the straits to which she had been driven by the defenders of civilization.

What intelligent man or woman does not realize that the war must be fought over again if the Allies do not adopt some means whereby they will compel Germany to preserve the peace? We are not unmindful of the task. We realize fully that it may mean the expense of some treasure and possibly the contribution of some of our young men, for a time at least, to help preserve the peace of Europe. But who is the red-blooded American that wants his country to shirk its duty under those circumstances? America never shirked a responsibility in the past, and she must not now. I prefer that America shall do more than her duty rather than she shall do less. I prefer that in the preservation of the peace, if it becomes necessary, Uncle Sam shall be big brother to the world rather than that we should sit silently by, keeping to ourselves all the fruits of our vast heritage, and allow the pauper peoples of Europe to shoul-

der the burdens which may be incident to the protection of the world against ruthless Teutonic attacks.

I think so much of the Monroe doctrine that I would extend its principles to the world. The opponents of the league seem to think so little of it that they would confine it in its operations to America alone. If it is a good thing, let us extend it. If it is a bad thing, let us restrict it.

ENTANGLING ALLIANCES.

The opponents of the league of nations constantly quote George Washington's advice "to steer clear of permanent alliances with any power of the foreign world," but as a rule they overlook the very material qualification which immediately follows—"so far, I mean, as we are now at liberty to do it."

But this is not all. His advice to steer clear of all permanent alliances must be construed in connection with the context. It is based upon a recital of conditions which our friends overlook.

It follows his declaration that "Europe has a set of primary interests which to us have none or a very remote relation." And then he continues, "hence she must be engaged in frequent controversies the causes of which are essentially foreign to our concerns." And again he adds: "Our detached and distant situation invites and enables us to pursue a different course." And without attempting to quote all that he says in this behalf, he adds: "When belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel." His advice against permanent alliances is based upon the situation in Europe as he then saw it, and to which I have just called attention.

But how different are conditions in Europe now as compared with what they were in the day of Washington. Then we were a small nation of 13 colonies and 3,000,000 people, scattered along the Atlantic coast. Now we are 48 empire States, with 110,000,000 people, the greatest industrial and commercial nation of the world, with a foreign commerce totaling over \$8,000,000,000 per year. It extends to the four corners of the earth.

Science has annihilated distance. The stranger nations of yesterday are the neighbors of to-day. No longer can we say that we have "none or a very remote relation" to the primary interests of Europe. We can no longer describe our location in the world as "detached" and "distant situation."

Washington in the greatest flights of his imagination never dreamed of the steamboat and the locomotive; of the telegraph, the telephone, or the wireless; of the submarine or the airship; or of the many countless engines of peace and war, with which every schoolboy to-day is familiar. He thought, to again quote his own words, of "belligerent nations under the impossibility of making acquisitions upon us," and in his judgment they "will not lightly hazard the giving us provocation." But while he believed that the belligerent nations would not lightly hazard giving us provocation, we know from experience that the Central Powers did not hesitate to make raids upon our commerce and wage a war against us of "schrecklichkeit"; to sink our men, women, and children to the bottom of the depths, and to drive our commerce from the seas. George Washington took counsel of facts as he saw them and advised accordingly. Were he living to-day, and had he the same knowledge of the defiant attitude of the German Government toward the civilized nations of the world, and were he cognizant of the fact that the only powers which stood between us and destruction were the armies and navies of France and Great Britain, can anyone conceive for a moment that George Washington would have said, "Make no alliance with either Great Britain or France; let them stand between us and destruction; let them bear the brunt of the battle while we stand aloof"? To assume that the Father of his Country would have taken such an anomalous attitude is to insult his memory.

But this is not all. He is very careful in the following paragraph of his Farewell Address to say, "Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies."

That Germany has been a menace to the world is a demonstrated fact. That she is in as defiant mood to-day as she was in the early period of the war no one can deny. She is not sorry that she entered the war; she is only sorry because she did not win the war. Everyone who is conversant with the situation believes if she felt that by renewing hostilities she could overcome her enemies she would command her armies to advance. The danger is not yet over. The conflagration she began she was not able to quell. So long as the allied troops are in the field there may be no danger from the German armies. But there is an enemy looming up in the Far East and in the Central Powers which threatens to be even as destructive to the civilization of the world as the German forces. It is the spirit of lawlessness which prevails among the Bolshe-

viki in Russia and in Germany and in Austria, ever the common foe of all civilization, the common foe of all government, and it behooves the United States and her allies to take common counsel for the defense of humanity.

Washington says "Keep ourselves by suitable establishments on a respectable defensive posture." What does he mean by "suitable establishments" or a "respectable defensive posture," or "temporary alliance for extraordinary emergencies"? I assume, Senators, that he means such establishments, such defensive postures, and such alliances as are suggested by the wisdom of to-day and not by the wisdom of a century ago. I assume, Senators, that by this language he meant such arrangements as in the enlightened intelligence of the day would prove reasonably necessary for the civilized nations of the world in making common cause against the Hun and the Turk. I do not think, Senators, he intended that the enlightened statesman of the twentieth century should be restricted and hemmed in by conditions as he saw them on the 17th of September, 1796, when he published to the world his Farewell Address. The Constitution of the United States, which he helped to draft, was no more of an innovation in the political world of that day than the constitution of the league of nations is an advance over the political thought of this day. Let those who seem to take so much counsel from a part of the words of Washington read the spirit that pervades his Farewell Address.

One of the purposes of the league of nations is to take steps looking toward gradual disarmament of the nations of the world. When the war broke out we had a nucleus of a fair Navy for defensive purposes; but with that exception we had no armament worthy of the name. Germany, the enemy of mankind, had a greater armament than any other nation of the world, greater than was needed for any peace purposes. It could only have been intended for a war of aggression. The constitution of the league of nations provides for the reduction of this armament. And now let us see what George Washington says on this subject. In speaking of the union of the States, he says:

They will avoid the necessity of those overgrown military establishments which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty.

I trust that the opponents of the pending treaty will be fair enough to commend its draftsmen in their good fortune in following these views of Washington on the subject of disarmament and not forget them in weighing the merits of the league of nations.

Again, while the opponents of the league are complaining that under the provisions of the constitution we pledge our support to the financial and economic measures which may be taken under article 16, that we may be compelled to sustain great financial loss, it may be well to bear in mind the wisdom of Washington, who said, in this same Farewell Address, that "timely disbursements to prepare for danger frequently prevented much larger disbursements to repel it."

But let us pause for a further thought. I know it is possible that the United States by entering into these covenants may subject itself to the risk of war. Let me say further, in answer to this suggestion, that prior to April 6, 1917, we had no alliance of any kind, either offensive or defensive, with any nation in the world, but it did not prevent our becoming involved in the greatest war of all time. So that if by any alliance—and it must be borne in mind this is an alliance for defensive purposes only and not for offensive purposes—we should get into another war we would only be repeating the experience which we had without any alliance whatsoever. Without alliances we did get into war. With alliances we may get into war. There is nothing absolutely certain in human affairs.

I concede if all the nations of the world were to join the league it would not be an absolute guaranty against all war. But I have an abiding faith that if not more than the 14 nations that originally sat about the peace table were to join the league, it would reduce to the minimum the chances of war not only among themselves, but the nations not in the league would hesitate before making an aggressive movement against those who were in the league. The 14 nations that drafted the covenants for the league of nations were comrades in time of war. Let them be companions in time of peace. We ought not to refuse to join them to preserve the peace when we joined them to establish the peace. I can not find it in my heart to cry out to these nations, our comrades in arms, "Unclean, unclean!" I prefer to have faith in the rectitude of their intentions. I would not insult them by withdrawing from the common cause which means so much for humanity.

Much has been said upon the floor of the Senate urging that covenants for a league of nations be kept separate and apart from the peace treaty. I can not accept this position. The

covenants for the league of nations constitute the machinery by which the terms of peace are to be carried out. We may argue as much as we choose about the wisdom or unwisdom of making two treaties, one stipulating the terms of peace and the other providing for the organization of the league, but at the same time the peace commissioners knew that whatever the terms of peace might be Germany would not comply with them unless we adopted some means to compel their performance. While the treaty was being signed by the German commissioners, many of the German public men were protesting that the terms could not be enforced.

Who does not know that if President Wilson and his associates had not come back here with some plan whereby to enforce the execution of the terms of peace they would have been criticized as having been derelict in their duty? All must believe that some arrangement to enforce the terms of peace was necessary. This can be called an association, an alliance, or whatnot; it is none the less a league, and if they had failed to take these necessary precautions against the renewal of hostilities, they would have failed the nations they represent and the cause of humanity.

SOME SPECIAL OBJECTIONS TO THE COVENANTS FOR THE LEAGUE OF NATIONS.

Let me now consider more in detail some of the special objections to the covenants for the league.

SENATOR KNOX AND THE LEAGUE.

When we come to deal with our international affairs I deem myself most happy when I can follow the leadership of the distinguished junior Senator from Pennsylvania [Mr. Knox].

With that part of his speech which he delivered on March 1, 1919, criticizing the language and arrangement of the constitution, I find myself largely in accord. But the covenants in their final form are, in my judgment, no longer subject to the same exceptions.

In the same speech he asserts that "the league plans still regard war as legal and as possible." Then he points out seven particulars in which the covenants recognize the legality of a state of war, and three particulars in which "the parties must go to war." And this criticism is reiterated by the distinguished Senator in the speech he made later in the Senate in support of Senate resolution No. 76.

Let me observe in passing that no friend of the league has ever claimed that it would be a panacea against all future wars. What we do claim for it is that wars and threats of wars, whether immediately affecting any of the members of the league or not, are matters of concern to the whole league, aye, to the whole world. We have an abiding faith that when the nations of the world, leagued together, pledge themselves to suspend warfare in order that international disputes can be submitted either to arbitration or to investigation and the publicity incident thereto, it will materially reduce the chances of war. And the draftsmen of this treaty have not been so unmindful of human nature that they do not fully recognize the soundness of President Wilson's position when he made the statement that back of all the provisions of the constitution stood the force of the world, if it were necessary to invoke it against recalcitrant nations.

But let us examine a little more in detail the circumstances under which war, in the language of the learned Senator from Pennsylvania, is "legal" and "possible." He says, in substance:

First. If a dispute between two members of the league is submitted to arbitration and it is satisfactory to neither; or,

Second. If it is submitted to investigation by the council and the recommendation is satisfactory to neither, then the disputants, after three months from the date of the award or of the recommendation, may properly go to war.

My answer is, as applied to members of the league who may be disputants, the statement is not accurate, because under the terms of the league they obligate themselves to accept the award or the result of the investigation if unanimous, and therefore if they comply with the terms of the treaty there can be no war. But admitting, for the sake of the argument, that the disputants do ignore the findings of the arbitration or investigation and go to war, they are not exercising a right which is given to them under the covenants. They are only exercising such privilege as they had prior to their entering into the league. But by reason of these covenants the cause of peace has won to this extent, namely, that the sword remains sheathed until there can be an award or recommendation as a result of investigation, and that the public opinion of the world can have an opportunity to assert itself.

Third. If the dispute goes either to the executive council or body of delegates—in the redraft of the treaty respectively designated as the council or the assembly—and the decision is unanimous, and this decision is unacceptable, "then they may legally go to war," says my friend from Pennsylvania.

To this I answer that under the covenants of the league the disputants have bound themselves to accept the decision, and it is not accurate to say that they may legally go to war if the decision is unacceptable. If they go to war in defiance of its terms, they are only doing what they could do if there had been no league.

Fourth. The Senator asserts that if neither the council nor the body of delegates can reach a decision which is unanimous, then the parties may "legally go to war." To this I answer that, so far as the terms of the covenant are concerned, they may go to war; but it is no greater privilege than they could exercise without the league. It is a less privilege, in that they have suspended their right to go to war pending the investigation and the report. In other words, the parties to the dispute are just where they would have been without the formation of the league, except that the hand of war is stayed during the investigation and the final report.

Fifth. The learned Senator asserts "all conflicts between States not members of the league would—under the covenant—appear to be legal under the covenant, though the league declares its right and intention to interfere in them if it desires."

I submit, Senators, that it is not quite fair to say that under the circumstances designated the conflict would be legal. The covenants simply recognize the fact that a conflict may take place between nonmembers of the league. It does not attempt to say that the war is either legal or illegal. It recognizes only the fact that war may or may not take place, and that the league declares its right and intention to interfere if it so desires. How does this differ from the position the United States took in the earlier history of the controversy with Spain respecting Cuba? President McKinley said to the foreign diplomats, when they called upon him to intercede:

The Government of the United States appreciates the humanitarian and disinterested character of the communication now made on behalf of the powers named, and for its part is confident that equal appreciation will be shown for its own earnest and unselfish endeavors to fulfill a duty to humanity by ending a situation the indefinite prolongation of which has become insufferable.

And so the league, in the interest of world peace, is authorized under the covenants to say to nations that are not members, "Conditions may arise whereby in the judgment of civilization it may become necessary or advisable that we intercede rather than that they shall attempt to settle their disputes by force of arms and thereby probably involve the peace of the entire world." Of course, under these circumstances it is possible that the members of the league may become involved in war, and we know only too well that the killing of a member of the royal house of Hapsburg in the small city of Sarajevo in far-distant Bosnia was the match that lighted a world conflagration, and it happened without any league whatsoever.

Sixth. The learned Senator makes serious objection to article 11, which provides, in substance, that any war or threat of war, whether immediately affecting any of the members of the league or not, is declared to be a matter of concern to the whole league, and it reserves the right to take any action it may deem wise and effectual to safeguard the peace of nations. Yes; war or threat of war may lead to war. Aye, more. The world knows only too well that the war declared by Austria against Serbia did lead to a world war that lasted for more than four years. And I submit that, in the opinion of the great suffering masses of humanity, it probably could have been prevented if the forces of civilization had been united in some plan of arbitration or investigation, in giving publicity to the causes of the dispute. Who is it that dares say now, in the light of recent experiences, that any war or threat of war is not a matter of concern not only to the league but to the whole world? And it will continue to be a matter of concern to the whole world, whether there is a league or not. And as individual nations have exercised the right to intercede in the past when war was threatened, so now under the terms of the covenant the league would not exercise any more power than the individual nations did before. The only difference in the political status is that under former conditions it was a matter of concern to each nation individually. Under the league it is declared to be a matter of interest to all of the individual nations as a league. The moral force of the nations united is more potent for good than the moral force of nations acting separately and independently.

And where in principle do the provisions of this article 11 differ from The Hague convention of 1899, under which the signatory powers, including the United States, agreed, among other things, that in a "serious disagreement or conflict, before an appeal to arms, they would have recourse, so far as circumstances allow, to the good offices or mediations of one or more friendly powers," and, independently of this recourse, they recommend that "one or more powers, strangers to the dispute, should on their own initiative, as far as circumstances may

allow, offer their good offices or mediation to the States at variance." More than this, The Hague convention provides that—

Powers, strangers to the dispute, have the right to offer good offices or mediation even during the course of the hostilities, and that the exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act. (Convention for the Pacific Settlement of Disputes, Title II, articles 2 and 3.)

Seventh. It is true, as contended by the distinguished Senator, that—

Disputes between States members of the league and States not members of the league may lead to legal war, either between two States themselves or between the disputants (one or both) and the league.

But, again, I submit that the charge that the covenant "may lead to legal wars," as just indicated, is misleading. That it may lead to war I concede. That it will increase the chances of war I deny. Neither he nor I can demonstrate mathematically that it will either lead to war or that it will not; but I assert that in view of the fact that intercession by disinterested nations in the past has brought about adjustments of many international disputes, so I believe that by concerted action in the future disputes which may hereafter arise can be settled without resort to force.

WAR MANDATORY.

But the distinguished Senator from Pennsylvania contends the covenants require the parties to go to war in three certain cases. Or, to use his own words, in these cases "war is mandatory." In substance he says:

First. The members of the league obligate themselves to preserve by force of arms, if necessary, the territorial integrity and political independence of all States members of the league;

Second. If any member of the league breaks or disregards its covenants, then we must fly to arms to protect them; and

Third. If any nonmember, either accepting or not accepting the obligations of membership for the purposes of the dispute, acts in such a way as to violate article 12, if the State were a member of the league, then we must go to war.

With all due respect, I submit that this does not fairly state the issue. I recognize fully that force is the ultimate fact back of the league, and that circumstances may arise which may compel its use; but I assert that the larger part, if not the most, of the international wars arise out of efforts to win territory or to interfere with the political integrity of nations. The aggressor only begins war when it feels strong enough at the outset to accomplish its purpose, and ordinarily it is by the stronger against the weaker nation. And now who shall say, assuming the world to be at peace, all nations, great and small, are not entitled to hold sacred their territory and their form of government? It is a common concern of all nations. If international disputes arise, does not the whole world thought concur in the belief that they may result either in the destruction of the territorial integrity or political independence of a nation, and that their differences should be adjusted? Under the league it is provided that when such disputes do arise they shall be submitted either to arbitration, if it is recognized as a proper subject for submission to arbitration, or to investigation and report.

If there shall be a failure to comply with either the award of the arbitrators or the recommendation of the investigators, then resort shall be had to the boycott. And only after all these methods shall have failed the duty is imposed upon the council in such cases to recommend to the several governments concerned what effective military or naval forces members of the league shall severally contribute to the armament of force to be used to protect the covenants of the league. The power to declare war by each of the members of the league rests where it does with the several members of the league, as if there were no league. True, the members of the league obligate themselves to mutually support one another in the financial or economic measures that are to be taken in order to minimize the loss or inconvenience resulting from the measures which may be taken and to mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State and to afford passage through their territory for the forces of the members of the league which are cooperating to protect its covenants. And hence I contend to construe the covenants so as to say that the member States are forced to go to war is wholly unwarranted. At the same time every friend of the league fully realizes the possibility of war. And if conditions should arise whereby they do go to war, it is the result of voluntary action by each nation. It is true that in the minds of some of the men, active supporters of the league, the duty to go to war should have been made compulsory, but I do not believe that the commissioners should have gone further in this behalf than they did. I think to have gone further would

have been a fatal mistake, because in a great compact such as this we must to a certain extent feel our way step by step. I feel firmly convinced that when the great moral forces of the civilized nations of the world are coordinated and cooperate they will advance the cause of peace.

After pointing out that the covenants for a league of nations make war legal and possible in seven cases and mandatory in three cases, the distinguished Senator from Pennsylvania asks, "Can we not do something to avert the horror of war?" and he answers, "Yes; there are ways, some of them simple and well tried." He points out three remedies:

First. Compulsory arbitration for all disputes under such plan as that provided for in the international prize court; or,

Second. The unratified British-American or French-American arbitration treaties; or—and at this point I wish to remind Senators that those treaties were the Senator's own babies—or,

Third. The Olney-Pauncefote treaty of 1897, or a union of the best in all of them.

But I submit, with all due respect to the eminent Senator, that not one of these methods is a guaranty against war. If the covenants for a league of peace are subject to the criticism which the Senator made, and to which I have referred, then also are the methods he proposes subject to the same exceptions.

I shall not take time to discuss all of them, but I shall ask the indulgence of the Senate while I make a brief reference to the British-American and French-American treaties of 1911, which were drafted by the distinguished Senator.

ARBITRATION TREATIES WITH GREAT BRITAIN AND FRANCE.

On August 4, 1911, President Taft presented to the Senate of the United States for ratification these treaties. They had been negotiated by his great Secretary of State, the Hon. PHILANDER C. KNOX, now the junior Senator from Pennsylvania, whose ability and statesmanship illumines every subject he touches and for whose judgment every Senator has the profoundest respect, whether he agrees with him or not.

By these treaties it was stipulated that all differences arising between the high contracting parties which it has not been possible to adjust by diplomacy relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other, under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, should be submitted to the permanent court of arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal, as may be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, defining the scope of the powers of the arbitrators, the question or questions at issue, and setting the terms of reference and the procedure thereunder.

Article 2 of the treaty in substance provided for the institution of a joint high commission of inquiry, to which, upon the request of either party, shall be referred for impartial and conscientious investigation any controversy between the parties within the scope of article 1, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them, even though they are not agreed that it falls within the scope of article 1, provided, however, that such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussions and adjustment of the questions in controversy, if either party desire such postponement.

The treaty also provided that whenever a question or matter of difference is referred to the joint high commission of inquiry each party should designate three of its nationals to act as a commission of inquiry for the purpose of such reference, or the commission may be otherwise constituted in any particular case by the terms of reference, the membership of the commission and the terms of reference to be determined in each case by an exchange of notes.

Article 3 provided in substance that the joint high commission of inquiry is authorized to examine into and report upon the particular questions or matters referred to it for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issue presented by such questions; and also to include in its report such recommendations and conclusions as may be appropriate. These reports were not to be regarded as decisions of the questions or matters so submitted, either on the facts or on the law, and shall in no way have the character of an arbitral award.

It—article 3—also provided that, in cases in which the parties disagree as to whether or not a difference is subject to

arbitration under article 1 of this treaty, that question shall be submitted to the joint high commission of inquiry; "and if all or all but one of the members of the commission agree and report that such difference is within the scope of article 1 it shall be referred to arbitration, in accordance with the provisions of this treaty."

I may say in passing that the Senate struck from the treaty this last paragraph.

Certain amendments to this treaty were proposed by the United States Senate, and it was ratified, with certain reservations. There were, however, no exchanges of ratifications, and therefore the treaties lie dormant.

I take the liberty to refer to this treaty because it seems that when the able Secretary of State drew the treaty and President Taft submitted it to the Senate he was not disturbed by the fact that he was providing for the arbitration of all disputes which could not be settled by diplomacy relating to our international matters and which were justiciable in their nature "by reason of being susceptible of decision by the application of the principles of law or equity."

He did not seem to be averse to submitting disputes in which there was a disagreement as to whether or not they were subject to arbitration under article 1 to this joint high commission of inquiry, and if all its members, or all but one, agree and report that such difference was within the scope of article 1, that it should be then referred to arbitration in accordance with the provisions of the treaty.

Now, I submit in all candor that if the distinguished Senator, as Secretary of State, was willing to submit to arbitration all questions which it was agreed were justiciable and all questions in which there was a difference of opinion as to their justiciable character, but which the joint high commission of inquiry decided by unanimous vote, or by all but one, to be justiciable to arbitration, was he not then surrendering the right of sovereignty? Was he not suspending the right to resort to arms and compelling the United States to abide the decision of the court of arbitration or the arbitral tribunal, as the case might be?

In these respects I submit that his treaty was broader in scope than the covenants of the league. They provided only that such questions should be submitted to arbitration as were recognized by the disputants to be suitable for submission to arbitration, and all others were to be submitted to investigation. Under the treaties with Great Britain and France, drawn by the distinguished Secretary, the permanent court of arbitration or the arbitral tribunal were given jurisdiction to try and determine "all differences hereafter arising * * * which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity." If there was any disagreement as to whether these differences were subject to arbitration or not, then it was referred to the joint high commission to decide, and if they decided that it was justiciable by a unanimous vote or by all but one, then the dispute had to be submitted to arbitration.

I submit that under these treaties war is just "as legal," just "as possible," and just "as inevitable."

Mr. WILLIAMS. And just as mandatory.

Mr. POMERENE. And just as mandatory as under the league of nations in the following particulars:

First. If, notwithstanding the treaty, the high contracting parties should refuse to settle their differences by arbitration, then war must follow.

Second. If they should refuse to submit them to the permanent court of arbitration and fail to agree upon some other arbitral tribunal by special agreement, then war must follow.

Third. If a dispute should arise as to whether their differences were justiciable in their nature, as defined in the treaty, and they should refuse to submit this question to the decision of the high court of inquiry, then war must follow.

Fourth. Or if it were submitted to the high court of inquiry and they should decide that the controversy was justiciable and either party should refuse to acquiesce in their decision that it was justiciable, then war must follow.

Fifth. If an award should be made and either party should refuse to comply with its terms, then war must follow.

Certainly it is not very satisfactory to take the position that because the pending treaty may not be a remedy for all war that it should be rejected, nor is the charge that the pending treaty is a surrender of sovereignty very convincing when other mechanisms are suggested which are also a surrender of sovereignty, even though they may differ somewhat in degree.

Mr. WILLIAMS. A limitation of sovereignty.

Mr. POMERENE. Yes; that is all.

MR. ROOT'S OBJECTIONS.

In Mr. Root's response to Will H. Hays, chairman of the Republican national committee, under date of March 29, 1919, in speaking of the covenants of the league of nations, other than article 10, relating to the mutual guaranty of territory, articles 8 and 9, relating to the reduction of armaments, and article 19, to mandatories, he says.

And I commend this word to my friends who are opposing this treaty:

I think these provisions are well devised, and should be regarded as free from any just objection, so far as they relate to the settlement of the political questions at which they are really aimed. The provisions which, taken together, accomplish this result are of the highest value. They are developed naturally from the international practice of the past. They are a great step forward. They create an institution through which the public opinion of mankind, condemning unjust aggression and unnecessary war, may receive effect and exert its power for the preservation of peace instead of being dissipated in fruitless protest or lamentation. The effect will be to make this sort of conference which Sir Edward Grey tried in vain to get for the purpose of averting this great war obligatory, inevitable, automatic. I think everybody ought to be in favor of that.

I repeat that this scheme for the settlement of political questions such as brought about the present war is of very great practical value, and it would be a sad thing if the opportunity for the establishment of such a safeguard against future wars should be lost.

If, now, according to Mr. Root, one of the greatest and at the same time, I am free to say, one of the fairest critics of the league, it has so much of good in it, ought we not to hesitate before attempting at this crucial period in world affairs to take any step which might in the least embarrass the signatory powers in bringing about the restoration of the normal conditions that ought to prevail in peace? Even if we have serious objections to some of the provisions of this treaty, is it not best now that we do not attach too much importance to them, but rather that we pass them over, reserving to ourselves the intention hereafter to engraft upon the treaty such amendments as may seem wise? I do not understand that Mr. Root has even to this day changed his view as to the necessity for the formation of a league of nations.

In the letter to which I have referred he proposed six amendments to the first draft of the treaty. The substance of most of them is to be found in the final draft. Let us review them.

First. He proposed to strike out article 13, which provided for the submission to arbitration of all disputes which the parties recognize to be suitable for submission to arbitration and which could not be settled by diplomacy, and to insert in its stead a provision requiring the contracting parties to refer to the permanent court of arbitration at The Hague, or some other court of arbitral justice, or other arbitral tribunal, all disputes, including those affecting honor and vital interests, which are of a justiciable character, and which the powers concerned have failed to settle by diplomatic methods, and to require them to accept and give effect to the award of the tribunal. And he then defined disputes of a justiciable character to be disputes "as to the interpretation of a treaty, as in any question of international law; as to the existence of any fact which, if established, would constitute a breach of any international obligation; as to the nature and extent of the reparation to be made for any such breach."

It also required that any question which may arise as to whether a dispute is of a justiciable character should also be referred for decision to the court of arbitral justice when constituted, or until it is constituted to the existing permanent court of arbitration at The Hague.

Without stopping here to quote article 13 as contained in the covenant finally reported by the peace conference, I think all must agree that the suggested amendment by Mr. Root has in a large part been accepted. The principal difference lies in this:

Mr. Root would submit to arbitration "all disputes * * * (including those affecting honor and vital interests which are of a justiciable character and which the powers concerned have failed to settle by diplomatic methods)," and if any question should arise as to whether a "dispute is of a justiciable character" it is to be referred for decision to the court of arbitral justice when constituted, or until it is constituted to the existing court of arbitration at The Hague; while in the pending treaty only those disputes are to be arbitrated which the parties thereto "recognize to be suitable for submission to arbitration." All other disputes are to be submitted for investigation and report.

Second. His second amendment suggested adding to article 14 a provision requiring "the executive council to call a general conference of the powers to meet not less than two years or more than five years after the signing of this convention for the purpose of reviewing the condition of international law and of agreeing upon and stating in authoritative form the principles

and rules thereof"; thereafter regular conferences to be called and held at stated times.

While the substance of this amendment is not directly or specifically included in the redraft of the covenants, please observe the following facts: The assembly is authorized to meet at stated intervals and from time to time as occasion may require. It may deal with any matter within the sphere of action of the league or affecting the peace of the world.

The council also is authorized to meet from time to time as occasion may require, and at least once a year, and also to deal with any matter within the sphere of action of the league or affecting the peace of the world.

The first meeting of the assembly and the first meeting of the council shall be summoned by the President of the United States. Surely these provisions give ample opportunity to the league to review the condition of international law and to agree upon and state in authoritative form the principles and rules thereof as fully as if Mr. Root's second amendment had been adopted word for word. If anything further should be required, section 26 of the covenants provides the method of their amendment.

Third. His third amendment relates to the Monroe doctrine. It is not a protest against the league. It recognizes the necessity thereof; but it seems to make specific the fact that nothing contained in it "shall be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions or to require the submission of its policy regarding such questions (including therein the admission of immigrants) to the decision or recommendation of other powers." In other words, he seeks to protect the Monroe doctrine in so far as it concerns controversies relating to American countries.

Article 10 in the original draft, as well as in the covenant as finally reported, obligates the members of the league to undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all the members of the league. This was virtually extending the fundamental principles of the Monroe doctrine to all the members of the league, whether on the American Continent or in any other portion of the world. But for the purpose of clarity, and out of respect to the wishes of those who felt that the Monroe doctrine was not sufficiently recognized, the covenants in their final form specifically recognize it both in form and substance.

Fourth. In the fourth amendment Mr. Root suggests that to article 10 should be added a provision to the effect that after five years from the signing of the covenants any party might terminate its obligation under this article by giving one year's notice in writing to the secretary general of the league. Why it should be proposed that the signatory powers should be given the right to relieve themselves of the obligations of one of the articles and at the same time be obligated by the other articles of the treaty I do not understand. Why it might be wise, after a given number of years, to permit withdrawal entirely from the covenants, if that were deemed proper under certain limitations, I can understand. I think it would have been very unwise to adopt the suggestion made by Mr. Root, but, as I have pointed out, the amended draft does permit a member to withdraw from the league, provided its obligations have been complied with at the time of withdrawal, after two years' notice. But I shall discuss this article 10 a little later on and more fully.

Fifth. Evidently Mr. Root is in hearty accord with the purposes of the commissioners at the peace table in their efforts to secure the disarmament of the powers. In a word, both drafts of the treaty provide for the reduction of national armaments to the lowest point consistent with the national safety; that the council shall formulate plans for such reduction for the consideration and action of the several Governments; that such plans shall be subject to reconsideration and revision at least every 10 years; that after these plans shall have been adopted by the several Governments the limits of armament therein fixed shall not be exceeded without the concurrence of the council. They recognize that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The council is to advise how the evil effects attendant upon the manufacture shall be prevented, and the members of the league undertake to exchange full and frank information as to the scale of their armaments and military and naval programs and the conditions of such of their industries as are adaptable to warlike purposes.

These provisions do not seem to Mr. Root to be sufficient, and he would add thereto a provision giving "full power of inspection and verification personally and by authorized agents as to all armament, equipment, ammunitions, and industries" referred

to in article 8. Personally I have no objection to this amendment; but I can understand why exception might be taken to it, because, first, it questions the good faith of the signatory powers even before the treaty is signed. In the second place, some may have regarded it as too inquisitorial. But whatever the objections may have been, there is no sound reason why anyone should insist on this provision being put into the treaty. It is of minor importance. If any of the powers should attempt to evade the agreement with regard to armament, it is almost impossible to secrete from the eyes of the world any substantial preparations for war that may be made by any of the countries of the world. And it may be further added, if it should appear that one or more of the countries is likely to violate its agreement with reference to the limitation of armaments the treaty is open to amendment. Provision is made for the convening of both the council and the assembly, and they have the right to investigate these matters. And does anyone think if any nation, however secretly, attempts to increase its armament for the purpose of a war of aggression the knowledge would not soon become public? Imperial Germany was constantly adding to her armament during the last 40 years. She professed it was for peace purposes. Many observers felt confident it was for a war of conquest. But with all her powers of deception and intrigue, I do not know that she was able to keep secret either the fact or the extent of her military preparations. I do not think, therefore, looking at it from the standpoint of an American, that the proposed amendment is of such vital consequence that we need disturb ourselves whether it is in or out of the treaty.

Sixth. His sixth amendment requires that the council shall call a general conference of the members of the league, to meet not less than 5 nor more than 10 years after the signing of this covenant, for the revision thereof, and at that time, or at any time thereafter, upon one year's notice, any member may withdraw from the league. These suggestions, too, are substantially met by the final draft.

The final draft of the treaty permits any member of the league to withdraw at any time after two years' notice, provided all its international obligations and all its obligations under this covenant have been fulfilled at the time of withdrawal. In this respect the covenants of the treaty admit of freer action by the members of the league than does the Root amendment.

ARTICLE 10.

But I am at a considerable loss to understand the change which has been wrought in the mind of Mr. Root since he wrote his letter to Mr. Hays, chairman of the Republican national committee. In this letter he says:

My first impression was that the whole article ought to be stricken out. If perpetual it would be an attempt to preserve for all time unchanged the distribution of powers and territory made in accordance with the views and exigencies of the Allies in this present juncture of affairs. It would be mischievous. Change and growth are the law of life, and no generation can impose its will in regard to the growth of nations and distribution of power upon succeeding generations. I think, however, that this article must be considered not merely with reference to the future but with reference to the present situation in Europe. Indeed, this whole agreement ought to be considered in that double aspect.

He then, with very great force, discusses the dismemberment of the Hohenzollerns, the Hapsburgs, and the Romanoffs, and calls attention to the turbulent masses without stable government in those territories "unaccustomed to self-control and fighting among themselves like children of the dragon's teeth." He recognizes that there can be no "settled peace until these masses are reduced to order." He is conscious of the fact "that Great Britain, France, Italy, and Belgium, with a population of less than 130,000,000, are confronted with the disorganized but vigorous and warlike population of Germany, German Austria, Hungary, Bulgaria, Turkey, and Russia, amounting approximately to 220,000,000, fast returning to barbarism and the lawless violence of barbarous races." He knows that "order must be restored." The allied nations in their council must determine the lines of reconstruction. Their determinations must be enforced under these conditions. "Under these conditions," he says, and I agree with him, "the United States can not quit. It must go on to the performance of its duty, and the immediate aspect of article 10 is an agreement to do that. I think, therefore, that article 10 should be amended so that it shall hold a limited time, and thereafter any member may withdraw from it."

Those are not my words. Those were Mr. Root's words on March 29.

Such was the condition as he saw it on March 29, 1919.

But in his letter of June 19, 1919, to the chairman of our Foreign Relations Committee, Mr. Root says, as to article 10:

It is not an essential or even an appropriate part of the provisions for a league of nations to preserve peace.

What change took place between these two dates? Why was article 10 so necessary in March and so objectionable in June?

Have our allied powers grown stronger? Have Germany, Austria, Bulgaria, Turkey, and Russia grown less turbulent? Do not the same conditions which suggested the wisdom of article 10 on March 29 obtain to-day? Countries do have a natural growth. They ought to have room, perhaps, for proper development. But they have no right by reason of increased population, or by any sort of development, to overrun the territories of other peoples against their will. Article 10 does not forbid one nation from getting, by annexation or peaceful means, additional territory for national purposes under this treaty, except in so far as that right may be limited under the Monroe doctrine. Article 10 requires the members of the league "to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the league."

We must not forget that before we entered into the war our Allies encouraged the oppressed Poles, Jugo-Slavs, and Czechoslovaks to rise in revolt against their imperial masters. And when we entered the war we, too, gave them like encouragement, and held out to them the hope that they could soon take their places in the family of nations. They fought; they helped us win; and now, Senators, after they have helped the allied and associated powers, including the United States, to overcome the great imperial power of Germany and of Austria-Hungary and Turkey, are we, like the Arab of old, to "fold our tents and silently steal away"? Strike out article 10 and what is to become of these new-born nations? Are they to be left to the mercy of their former imperial masters? Is there not some obligation resting upon us to help them to preserve their national integrity? Oh, Senators, Mr. Root was right, eternally right, when he said that article 10 should be retained. And now, when he proposes to strike it out of the covenants he is wrong, eternally wrong.

I hope that it shall be recorded of the part we took in this great war, not only that we fought a good fight, and we won, but I want it likewise to be written that after the fight was over and the victory won we also kept the faith. I have heard a vast deal since the discussion of this subject began in the Senate from the lips of distinguished Senators who point out the obligations of treaties and covenants and fear that we may be involved in some entangling alliances which will require us to keep the covenants; that a condition may arise where Congress may refuse to carry out the stipulations of our treaty; and they say if we do not keep them literally we will be charged with a breach of faith. Aye, Senators, there is such a possibility, but it is only a possibility. I assume as we enter into this league that our associates are nations of honor, and that we shall only be required to do that which honor and justice shall dictate. I would not consent to enter into any covenant with any nation on earth unless I believed at the outset that both the signatory powers would be controlled by such sentiments. I am not going to discredit them in advance. But, Senators, on the other hand, if the signatory powers shall attempt to exact from us something which is not dictated by a sense of justice and of honor, I know of no code of ethics that requires any nation to perform their decrees.

But to those who are opposed to entering into this league in its present form because a situation may arise in the future where we must carry out certain decrees or be guilty of a breach of faith, I answer that if we do not enter into these covenants now and if we do not make it known to the world now that we will protect the territorial integrity and political independence of these new-born nations, we will be guilty of a breach of faith and dishonor the Government of which we are so proud. We ought not to strain at the gnat of future possible dishonor and swallow the camel of present actual dishonor, while our friends are crippled even unto death. We came to the rescue of a prostrate world. We can not desert it during its period of convalescence, particularly in the presence of an enemy that has no more of honor to-day than it had when it brought on this war for world conquest.

I desire to emphasize the fact that the primary purpose of the league of nations is to settle all international controversies either by arbitration or by mediation, or by investigation and report, without resort to war, save only when all other methods of adjustment have failed. It is for these purposes that the methods of procedure therein outlined have been set forth. It is to this end that the hand of the war is stayed until all other peaceable means have failed. Speaking, of course, in a very general way, this has been the policy of all arbitration treaties which have been entered into between this and other nations. The principal difference between the plan adopted in other arbitration treaties and this lies in the fact that arbitration

treaties generally are made between two contracting nations, while the covenants for the league of nations apply to all nations which sign the covenants, and this grows out of the fact that the awful war through which we have just passed left its trail of death and destruction in nearly all the civilized nations of the world.

True, it is an advance over other methods of arbitration which have heretofore been adopted, but the advance became necessary because the evils of the war were more widespread than had heretofore been thought possible. It takes comprehensive measures to meet a world-wide evil.

VIEWS OF SENATOR LODGE.

One of my very great regrets is that the eminent Senator from Massachusetts, who has served his country so ably for so many years, is not taking the lead in insisting upon the ratification of this treaty, and it seems to me that his past record not only upon the subject of arbitration but the formation of a league of nations justifies this disappointment.

In the report which he submitted on August 15, 1911, on the general arbitration treaties with Great Britain and France he said:

The history of the United States for a period of more than 70 years exhibits a record of arbitration treaties unequalled by that of any other nation on earth. Every one of these treaties has received the cordial assent of the Senate of the United States.

So earnestly has the distinguished Senator thought upon this subject and so deeply was he impressed by the great war waging that on June 9, 1915, in an address delivered at Union College, he said:

We must bear constantly in mind that from the conflict which now convulses the world there may possibly come events which will force us to fight with all our strength to preserve our freedom, our democracy, and our national life.

And, without quoting all he says, he asks this question:

What can we do in a larger sense toward securing and maintaining the peace of the world?

He then proceeds to answer:

This is a much more difficult question; but, turn it back and forth as we may, there is no escape from the proposition that the peace of the world can only be maintained, as the peace and order of a single community are maintained, as the peace of a single nation is maintained, by the force which united nations are willing to put behind the peace and order of the world.

And then follow these pregnant words:

Nations must unite as men unite in order to preserve peace and order. The great nations must be so united as to be able to say to any single country, "You must not go to war." And they can only say that effectively when the country desiring war knows the force that the nations place behind peace is irresistible.

Following these forceful words, the distinguished Senator, in his Union College address, voiced the following conclusions:

In differences between nations which go beyond the limited range of arbitrable questions peace can only be maintained by putting behind it the force of united nations determined to uphold it and to prevent war. No one is more conscious than I of the enormous difficulties which beset such a solution or such a scheme, but I am certain that it is in this direction alone that we can find hope for the maintenance of the world's peace and the avoidance of needless wars. Even if we could establish such a union of nations, there might be some wars which could not be avoided, but there are certainly many which might be prevented. * * * It may seem Utopian at this moment to suggest a union of civilized nations in order to put a controlling force behind the maintenance of peace and international order, but it is through the aspiration for perfection, through the search for Utopias, that the real advances have been made.

Later on he delivered a speech at the annual convention of the League to Enforce Peace, held on May 26 and 27, 1916, here in Washington, and in discussing the subject he said:

This league certainly has the highest of all aims for the benefit of humanity, and because the pathway is sown with difficulties is no reason why we should turn from it. It is the vision of a perhaps impossible perfection that has led humanity across the centuries.

In the same speech, further along, he uses this language:

The limit of voluntary arbitration has, I think, been reached. * * * I think the next step is that which this league proposes, and that is to put force behind international peace. We may not solve it in that way, but if we can not solve it in that way it can be solved in no other.

The treaty before the Senate does not go as far as the distinguished Senator from Massachusetts was willing to go in 1916. While the pending treaty obligates the members of the league to respect and preserve one another against external aggression, to comply with the awards of the arbitrators and the recommendation of the investigators, the only provision looking to war is that the council shall "recommend to the several Governments concerned what effective military or naval forces the members of the league shall severally contribute to the armament of forces" in order to protect the covenants of the league.

With all due respect, permit me to say that I prefer to be guided in my consideration of this subject by the views which were entertained by the distinguished Senator in 1915 and 1916 rather than to follow him in his opposition to the treaty now.

It may be, Senators, that this treaty is—to use his language—"the vision of a perhaps impossible perfection"; but imperfect though it may be, I feel that it is a step toward preserving the peace of the world, and even if it does not go so far in some directions as we would have it go, and too far in other directions, there is, in my judgment, nothing inconsistent with the fundamental principles which seem to have inspired the views of the distinguished Senator to which I have just referred.

Surely, if the treaty is ratified after the experience through which we have just passed it will help to keep our former enemies in the straight and narrow path until the present plan can be modified or improved so as to meet the requirements of our future experiences and our mature thoughts.

EXIGENCIES OF SITUATION DEMAND EARLY RATIFICATION OF TREATY.

I trust that it will not be regarded as presumptuous for me to suggest this thought to those Senators who are either opposing the ratification of the treaty as it now stands or who are insisting upon amendments or reservations:

During the war many of us voted for measures not because we would have approved them in time of peace but because we felt the exigencies of the situation required them. May we not pursue a similar course when it comes to the ratification of the peace treaty? All of us recognize how extremely abnormal present conditions are, particularly in Europe. We know the feeling of unrest prevailing everywhere. There can be no doubt about it. The spirit of revolution is running rife, not only in eastern Europe and within the Central Powers, but to some extent among the peoples of our Allies. Ought not our aim to be the restoration of peace and the adoption of such measures for its preservation and the protection of the new-born nations as shall seem to be sufficient in the present state of the public mind?

Who does not know that Germany, haughty, belligerent, with a spirit of defiance that knows no restraint of morals or of law, and only submitting to an overpowering force, is looking forward to the moment when she may resume her aggressions against her neighbors? Who does not know that the new Governments of Poland, Czechoslovakia, Jugoslavia, and other smaller independent nations which have sprung up from the ruins of the old régime have not as yet been able to organize perfect and stabilized governments, and that they will need for some time in the future the active encouragement of the Allies and associated powers, as well as protection against their former masters?

Who is so blind that he does not understand that it is now necessary, and will be necessary for years, to aid in protecting the territorial integrity and political independence of those newly formed governments against external aggression by their former masters? And, further, who does not know that, for some years to come at least, it will be necessary to keep Germany, Austria, Bulgaria, and Turkey within the limitations of their own boundaries? Why, then, the intensity of opposition against section 10? Why do we not recognize this situation as it exists? Under the provisions of the treaty the United States has the power to withdraw from the league after two years' notice of her intention so to do, provided that she has fulfilled all her international obligations and all her obligations under the treaty. Are not the political and military conditions in Europe such as to convince any fair-minded man that our obligations as one of the belligerents will require us to be on guard for two years and more? Our immediate responsibilities are such that we can not now refuse to meet them.

Will not an unreasonable delay or a refusal to ratify the treaty lend encouragement to the present spirit of unrest? Will it not be a postponement of the day when reason will resume its sway in the world? Does it not follow, therefore, that the sooner the treaty is ratified the earlier we can serve notice to withdraw from the league, if in the light of intervening experiences that should become advisable?

I would not find serious fault with some of the proposed amendments or reservations if they did not mean delay and a consequent encouragement to revolutionary elements. Is it not going to be better, therefore, that we surrender some of our own convictions in the interest of immediate peace, rather than to insist upon changes which will require the pending treaty to be sent back to the associated powers?

Before and after the Constitution of the United States was submitted to the several States for ratification many very important amendments were proposed, among them the first 10 amendments, constituting the Bill of Rights. We would not now think of adopting a Constitution for the United States without including in it the Bill of Rights. But who now would assume to say that the Constitution of the United States should not have been ratified before incorporating therein the Bill of Rights?

Had they delayed ratification until after the Bill of Rights were incorporated therein, it would have led, to use Milton's words, to "confusion worse confounded."

Applying the same process of reasoning to the covenants for the league of nations, does not wisdom now also suggest, in view of world conditions, that we shall ratify them as they now stand and later adopt such amendments or modifications as sound statesmanship may seem to require?

A war-sick world demands the early ratification of the treaty. That demand must not and can not be ignored.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McKellar in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Hale	McKellar	Smith, Md.
Bankhead	Harding	McNary	Smith, S. C.
Beckham	Harris	Moses	Smoot
Borah	Harrison	New	Spencer
Calder	Henderson	Newberry	Thomas
Capper	Johnson, Calif.	Norris	Trammell
Cummins	Jones, N. Mex.	Nugent	Underwood
Curtis	Kenyon	Overman	Walsh, Mass.
Dial	Keyes	Page	Walsh, Mont.
Dillingham	King	Phipps	Warren
Edge	Kirby	Pomerene	Watson
Elkins	Knox	Ransdell	Williams
France	La Follette	Robinson	Wolcott
Gay	Lenroot	Shields	
Gerry	McCumber	Simmons	

Mr. GERRY. The Senator from Arizona [Mr. SMITH] is detained from the Senate by illness.

Mr. KING. The Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Wyoming [Mr. KENDRICK] are necessarily detained from the Senate.

Mr. ROBINSON. The Senator from Virginia [Mr. SWANSON] and the Senator from Nevada [Mr. PITTMAN] are detained on official business.

Mr. NEWBERRY. The Senator from North Dakota [Mr. GRONNA] has requested me to announce that he is detained in committee.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present.

Mr. HARRISON. Mr. President, the Senator from Ohio [Mr. POMERENE] in closing his very able address referred to the Constitutional Convention.

It was not without very great difficulty, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to themselves and their posterity, that our fathers in the Constitutional Convention were ever able to compromise their differences and adopt and obtain the ratification of the Federal Constitution. Mason, Randolph, and Gerry refused to sign it, and the eloquent Patrick Henry employed the great powers of his matchless genius in opposition to it. Its opponents picked out supposed flaws in it and predicted disaster to the new Republic should it be ratified.

The opposition was so persistent and so strong that that instrument—the bulwark of our liberties, the guaranty of our freedom—was ratified in the State of Massachusetts by a vote of only 187 to 168, in New York by a vote of only 30 to 27, and in Virginia by a vote of 87 to 79; but, sirs, in the passing years the alleged defects have disappeared. Its beauty and strength have become more impressive.

It is not surprising that Mr. Franklin, while the last members were signing that historic instrument, looking toward the President's chair, at the back of which a rising sun happened to be painted, observed to some of the members standing near him that painters had found it difficult to distinguish in their art a rising from a setting sun. "I have," said he, "in the course of this session and the vicissitudes of my hopes and fears as to its issue, often looked at that painting behind the President's chair without being able to tell whether it is rising or setting; but now, at length, I have the happiness to know that it is a rising and not a setting sun."

No doubt, Mr. President, often during the long deliberations of the Versailles conference President Wilson and the American delegates saw in their imagination a like painting, as adjustments of those great questions became so difficult, the failure of the conference growing perilously near, and thought the painting to be one of a setting sun. But to-day, as we approach the end of this long journey, may we with the civilized peoples of the world behold a rising sun.

Never before in the discussion of a great national question has deception been so lavishly practiced and misrepresentation so generously employed.

Every alluring piece of sophistry that oratory could command, every cunning device that politicians could conjure, has been advanced by the opponents of the league here, that in the country reason might be dethroned and prejudice aroused.

No argument has been too fallacious, no illustration too far-fetched, for you to seize upon in your desperate efforts to becloud the issue.

Just criticism is always acceptable and sincere analysis ever desired. But when opposition to international policies, such as are contained in this treaty, policies that will conclude the most cruel war, return young men to their loved ones, restrain the hand of taxation, and make for the future peace and happiness of mankind, is founded on rank partisanship and personal dislike—aye, merely to shatter the popularity or retard the growing ascendancy of a particular individual—then, sirs, it is worse than Bolshevism gone wild; worse than the scourge inflicted upon the bridegroom in the Ancient Mariner.

The treaty that is now before the Senate for ratification is here not because of you but in spite of you—I mean the Republican leadership in this body.

Long before the peace conference assembled at Versailles your voices were raised in protest against the President of the United States attending as one of our representatives. It was a very quick change upon your part, for when the President came to Congress on the 8th day of January, 1918, and delivered that historic message laying down the fourteen points upon which peace might come and war end, with practical unanimity and loud acclaim you commended it, and Republican leaders throughout the country indorsed it.

Representative CANNON, of Illinois, that sage of Republicanism, that splendid American whom—whether we agree with him or not—we all love for his sterling qualities, said:

I wish this address could be read to every woman and man and thoroughly explained in Germany and Russia.

Mr. FESS, the chairman of the National Republican congressional campaign committee, said:

I am wonderfully pleased with the message.

Here is what the leader of the Republican Party in the Senate [Mr. LODGE] said:

It is an able message and a concrete proposition. I hope it will have a good effect on Russia.

Here is what the Senator from West Virginia [Mr. SUTHERLAND] said:

That paper will stiffen up everybody in the United States and encourage the people of Great Britain, France, Belgium, Serbia, Montenegro, and all other countries.

The Senator from New York [Mr. WADSWORTH] said:

It was an excellent address, clear, forceful, and a good program.

Will you reflect with me on the conditions with which we were confronted at that time? It was the darkest period of the war. German hordes were pushing back the allied armies day by day. Belgium was prostrate. The English armies were fighting with their backs to the wall. French soldiers were retreating toward the gates of Paris. Cadorna and his brave followers were being pursued over the plains of Venetia. Despair hovered over the Allies' cause, and anxiety filled the breast of every allied country. Hope of success was fading, and Germany, it seemed, was becoming more firmly entrenched with each passing hour. It was at that time that the President of the United States delivered that message firing enthusiasm into our cause and placing the wedge that finally disintegrated the common enemy. The most optimistic did not believe it possible to obtain all the things for which our leader then contended. The most that we could do was to hope and pray.

But this apparent cooperation has long since been lost sight of. You became jealous of the growing ascendancy of this man. He was becoming too popular, too influential in world affairs. The fact that he was a great American, the spokesman of a great country, the Commander in Chief of an Army unsurpassed for discipline, unexcelled in courage, the fact that he was winning glory for our flag and adding brightness to our star in the firmament of nations, has now sunk into insignificance under the pressure of party necessity.

You did not object to the President going abroad as the head of our delegation in that great conference because of any doubt on your part of his ability to faithfully represent us. You knew, as the world knew, that he was at that time the most influential and commanding figure on earth, and that it was through his leadership that the war had been brought to an end. Your opposition arose simply and merely because he happened to be the spokesman and leader of another political party. I had never believed that partisanship would become so acute that jealous leaders would rather see the star of their country dimmed than to witness the ascendancy of one individual because he was of a different political faith. Why,

sirs, even though you commended the fourteenth point of the President's speech to Congress in January of last year, when he suggested the association of a league of nations for the preservation of smaller nations and the peace of the world, no sooner had he begun preparations for his European trip—that the people of Europe might be aroused to the league of nations idea—than you tried by every possible means to embarrass him.

It was in face of your constant protests that he won the masses of foreign countries to his ideas and gained the cooperation and unanimous approval of the delegates from all the nations at Versailles. And let me suggest to you to-day that as he has been successful thus far the American people whom you represent will see to it that he is successful to the end.

No task was ever accomplished against such unfavorable odds. There in a foreign country, among the scores of foreign representatives, most of whom did not speak nor understand the English language, against a propaganda conceived by men in this Chamber, adequately financed and consistently prosecuted, that his influence might be destroyed and his plans defeated, he won.

And now, sirs, with the work finished and the signatures of these able statesmen of these allied countries attached to the instrument, you have organized the machinery of this body that their work might be undone. Bargaining has been indulged in and compromises effected that you might carry on your unfair schemes. This country still rings with echoes from the eloquence of the distinguished Senator from Idaho protesting his undying opposition to the elevation of the senior Senator from Pennsylvania to the chairmanship of the Finance Committee. And yet, still fresh in our minds is that scene on the 28th of May, when the erstwhile pretended progressives of the Republican Party buried all their differences and solidly voted for the Senators from Pennsylvania and Wyoming, on whose heads they have for almost a generation poured forth their maledictions, as chairmen, respectively, of the Finance and Appropriations Committees. And to some of us, while it appeared an awakening at the time, subsequent events and the deliberate, willful stacking of the Foreign Relations Committee against this treaty of peace, including the league of nations, explain everything.

Not content with leveling your mud batteries on the league of nations covenant in the treaty, when you had failed you continued to take issue with your representatives at Versailles on practically every important question.

When Italy contended for Fiume and her delegates threatened to withdraw from the council if their views did not prevail, and the united judgment of the conference was against their contention and so decided—when Premier Orlando unceremoniously left the conference at Versailles and returned home to make a report to his people and arouse sentiment in Italy against the united judgment of Lloyd-George, Clemenceau, and President Wilson—it was under these circumstances, and at that very critical period, that your leader took issue with the representatives of his Government and the united judgment of the representatives of France and England and sided with Orlando and Italy. The statement that I desire to read shows very clearly the cooperation he would lend the President in these stormy times. In a telegram to the Italian societies of Boston he said:

In the discussions of the terms of peace I have always declared that the region known as "Italia Irredenta" and all adjoining regions where Italian culture and Italian population are dominant should be returned to Italy, and that Italy should have military and naval control of the Adriatic not only for her own protection but as an essential barrier against any future attempt of Germany to attack the rest of the world as she did in the recent war. I have also said repeatedly that the Jugo-Slavs ought to have access to the Adriatic, which I regard as economically essential to their independence.

From information given me by an Italian deputation whom I saw last spring in Washington, I was assured that Italy was entirely willing to give portions of the Dalmatian coast containing good ports to the Slav population.

It is hardly conceivable that one who voiced such sentiments as these, under such circumstances, and when the issue was so clearly defined between his own country and a foreign country, that the same man could ever have uttered such noble sentiments as I hope to quote before I have finished, sentiments that were intentioned and expressed before his mind was beclouded by partisan prejudice and his heart moved by political expediency.

When China, stirred and influenced by expressions emanating from your leaders on this side of the water, refused to sign the peace treaty, they received the most sincere cooperation and sympathy from you.

When the representatives of America were doing everything within their power commensurate with right and justice to compromise our differences with Japan and maintain our friendly relations with her, your leaders fanned the fires of discontent

and did everything within their power to widen the breach. You are still doing it.

Before Germany signed the treaty, public opinion in that country was in a nebulous state, Germany not yet having come to a definite conclusion as to what she would do. And during those anxious days, as their representatives sat with pen in hand and decision hanging in the balance, your leaders in this Chamber, by eloquence that rung the changes and sounded to German ears, showed to them opposition that was sympathetic and akin.

Thirty-nine of your Senators signed and proclaimed the round robin; you conducted a filibuster in the closing hours of the last session; your Foreign Relations Committee reported out the Knox resolution; your chairman printed into the RECORD the amendments in the form of reservations that your side of the Chamber would stand for. Every movement has been started, every plan designed, nothing has been left undone by you, to have "failure" written over the conference door at Versailles. Your action is only comparable to the conduct of the never-ceasing hell hounds Milton stationed at the infernal gates.

I am quite aware that, with two or three exceptions, every opponent of the treaty voices his advocacy for a league of nations. But you are hard to please. You desire to write the treaty yourself, and talk of amending it as you would amend a public-building bill to have erected a post-office building in some little village in your State.

The distinguished Senator from Ohio [Mr. POMERENE] in his very excellent speech to-day incorporated some expressions showing the long formed and settled convictions of the senior Senator from Massachusetts. I shall not reiterate those quotations. However, on another occasion, some time after he voiced those sentiments, speaking on a commencement occasion at Union College, trying to mold the young minds of that institution along right paths, he very eloquently and wisely said:

If a nation fulfills strictly all its international obligations and seeks no conquests and has no desire to wrong any other nation, great or small, the danger of war can come only through aggression of others, and that aggression will not be made if it is known that the peace-loving nation is able and ready to repel it. The first step, then, toward the maintenance of peace is for each nation to maintain its peace with the rest of the world by its own honorable and right conduct and by such organization and preparation as will enable it to defend its peace.

What can we do in the larger sense toward securing and maintaining the peace of the world? This is a much more difficult question, but turn it back and forth as we may there is no escape from the proposition that the peace of the world can only be maintained as the peace and order of a single community are maintained, as the peace of a single nation is maintained—by the force which united nations are willing to put behind the peace and order of the world. Nations must unite as men unite in order to preserve peace and order. The great nations must be so united as to be able to say to any single country, "You must not go to war"; and they can only say that effectively when the country desiring war knows that the force which the united nations place behind peace is irresistible. We have done something in advancing the settlement by arbitration of many minor questions which in former times led to wars and reprisals, although the points of difference were essentially insignificant, but as human nature is at present constituted and the world is at present managed there are certain questions which no nation would submit voluntarily to the arbitration of any tribunal, and the attempt to bring such questions within the jurisdiction of an arbitral tribunal not only fails in its purpose but discredits arbitration and the treaties by which the impossible is attempted. In differences between individuals the decision of the court is final, because in the last resort the entire force of the community is behind the court decision. In differences between nations which go beyond the limited range of arbitrable questions peace can only be maintained by putting behind it the force of united nations determined to uphold it and to prevent war. No one is more conscious than I of the enormous difficulties which beset such a solution or such a scheme, but I am certain that it is in this direction alone that we can find hope for the maintenance of the world's peace and the avoidance of needless wars. Even if we could establish such a union of nations, there might be some wars which could not be avoided, but there are certainly many which might be prevented.

It might be easily said that this idea, which is not a new one, is impracticable; but it is better than the idea that war can be stopped by language, by speechmaking, by vain agreements, which no one would carry out when the stress came, by denunciations of war and laudations of peace, in which all men agree, for these methods are not only impracticable but impossible and barren of all hope of real result. It may seem Utopian at this moment to suggest a union of civilized nations in order to put a controlling force behind the maintenance of peace and international order; but it is through the aspiration for perfection, through the search for Utopias, that the real advances have been made. At all events, it is along this path that we must travel if we are to attain in any measure to the end we all desire of peace upon earth. It is at least a great, a humane purpose to which, in these days of death and suffering, of misery, and sorrow among so large a portion of mankind, we might well dedicate ourselves. We must begin the work with the clear understanding that our efforts will fail if they are tainted with the thought of personal or political profit or with any idea of self-interest or self-glorification. We may not now succeed, but I believe that in the slow process of the years others who come after us will reach the goal. The effort and the sacrifice which we make will not be in vain when the end in sight is noble, when we are striving to help mankind and lift the heaviest of burdens from suffering humanity.

I have such high respect for the learning and ability and accomplishments of the distinguished Senator from Massachusetts that, for my part, I would rather accept as his views on this question the one expressed by him after long and deliberate

study, unmoved by the exigencies of the hour, uninfluenced by political expediency—the one that he gave in those better days, when reason was supreme and the world was calm and placid and in joint, the one that he would desire to give the young men of this Nation just when they are molding ideals for their future—rather than the one expressed at this time, formed in such a hurry and under such peculiar and abnormal conditions.

Why, sirs, that speech should be taught in the public schools of America. It should be framed and placed on the wall of every educational institution in the land, for its wisdom, truth, and grace of expression. It should be an inspiration to the youth of to-day and should live in history as one of the truly great literary gems of the ages. It should be published, too, alongside of some of the most recent expressions of this distinguished author, that future generations might know that this was an era of political contortionists.

I have stated that the opponents of the league have made unfair arguments and thereby misrepresented and deceived the people touching the league of nations. Let us see. The opponents have said:

- First. That Great Britain would dominate it.
- Second. Then that the colored people might control it.
- Third. Then that the Papacy might control it.
- Fourth. That it destroyed our national sovereignty.
- Fifth. That it took away our right to regulate our own domestic affairs.
- Sixth. That it would abrogate the Monroe doctrine.
- Seventh. That it would be impossible for us to withdraw from the league.
- Eighth. That it would promote wars instead of peace.
- Ninth. That it would compel us to fight Ireland should war come between England and Ireland.
- Tenth. That it might affect the rights of labor.

Like the Cornish wreckers, who hung out false lights to allure and deceive the ill-fated mariners, so are these objections raised to allure and deceive the unsuspecting public. There is nothing ambiguous in this covenant. Its terms are plain and simple. Let me discuss briefly the questions raised by the opposition, and I shall do that in order.

THAT GREAT BRITAIN WOULD DOMINATE THE LEAGUE.

It is impossible for Great Britain to dominate the league, for the very reason that in the council—and that is the body that will control the league—she will have but one vote. Great Britain will have no greater power in the council than the United States or any of the other powers that have a voice in the council. The United States, Great Britain, France, Italy, and Japan, under the terms of the covenant, are at all times to have equal representation on the council, and the other four are to be selected by the assembly.

Great Britain can never dominate the council, because its representation shall never be larger than that of the United States, and in all cases, except matters of procedure and appointment, publishing facts, and making recommendations in a dispute where it can not make a report with any binding effect, the vote of the council must be unanimous.

While it is very true that in the assembly, composed of the representatives of 45 countries, the British colonies of Canada, Australia, New Zealand, and South Africa shall have a separate vote and separate representation, the assembly is extremely limited in its powers. The only function that it can perform is to regulate its own procedure and appoint its own committees. It is empowered to select the four smaller States to be represented on the council, to approve of enlargements of the council, to confirm the selection of the secretary general, to report upon disputes between nations referred to it by the council or by either of the disputants, to advise the reconsideration by members of the league of treaties that have become inapplicable and the consideration of international conditions endangering the peace of the world, and by a two-thirds vote to admit new members to the league. Except, therefore, for some definite powers relating to the organization and membership of the league, its authority in international affairs is confined to making a report in certain disputes and giving some advice to the members. Its action in all matters must be unanimous, and I am quite sure that with countries associated with us in the Pan American Union, whose interests are, in the main, confined to the Western Hemisphere, with their representatives in the assembly, even though the assembly had power, unanimous consent would be prevented from ever obtaining.

The plans for carrying out the objects of the league rest upon the nations composing the council. It is the council that has to formulate plans for reducing armaments, to give advice on restricting the private manufacture of arms and on the means of resisting aggression upon the integrity of a member of the

league, to propose steps to give effect to an arbitral award, to formulate plans for a permanent court of justice, to endeavor to effect the settlement of disputes between two members of the league, to conduct inquiries in such cases, to publish facts and recommendations if it fails to reach an effective decision of a dispute, to recommend military contingents in case of an attack upon a member of the league, to make recommendations to prevent hostilities between nonmembers, and finally to supervise the prohibition of trade in white slaves and opium and the administration of international bureaus.

Little reason can be advanced why Panama, with its 32,380 square miles in area and 450,000 population, should have a voice in the assembly, and Australia, with its 2,974,581 square miles and 5,000,000 population, should be excluded. Canada in area is one hundred and eleven times as large as Panama and in population is eighteen times as large. And so I might continue down the list.

And while the four British colonies will have no voice except through Great Britain in the council, why, may I ask, should they be denied a representation in the assembly? For four years and more the people of those colonies sacrificed in every way to win the war and preserve civilization. Unhesitatingly and unselfishly they gave to the cause their bravest and best, and no lessons of heroism are more numerous or inspiring than those that have come down to us from the splendid fighting forces of the British colonies.

While these colonies are still tied to the mother country by a tender thread, they levy their own taxes, raise their own armies, and fight their own battles.

In the league, while the opportunity will not come for them to align themselves on any racial question or question of national sovereignty, their long history would very conclusively show their entire sympathy with us.

But, not satisfied with arousing the prejudice of the people on this "will-o'-the-wisp" argument, they suddenly changed their front and held up as another great menace the possibility of the league being controlled by colored races.

The distinguished Senator from Missouri, in his very eloquent and ingenious speech, voiced with wild acclaim that—

An examination of the membership of this league will first astonish and then arouse the indignation of every thoughtful man. It will come as a distinct shock that this is a colored league of nations.

Then he quotes at length from the *Encyclopædia Britannica*, from the *World's Almanac*, and other publications to show the population and the color and the illiteracy of Liberia, Haiti, Honduras, and scores of other countries in support of his contention. The Senator's design is plain. He desired to prejudice the mind of the people of the South against the league because of the negro population there.

We can not help that Liberia and Haiti and other countries are populated with the Negro race. That the sun has kissed and tanned the countenance of the population of Panama and Ecuador and Honduras is no fault of theirs.

It is beyond the province of man and governments to change the color of races. It was ordained and made possible by One beyond the reach of earthly hands. It was the will of God Almighty that the skins of these people should be dark. But, sirs, they are entitled to live. They know the blessings of peace as well as the arts of war. And if the peace of the world is to be maintained, they must be consulted and must be bound and restrained the same as are the white people of the world. The black man at no place and in no time in history where he and the white man sat at the same council table commanded and dominated. I represent in part a section where the colored people now live in peace and contentment. I come from a State the majority of the population of which is black, and we know the faults as well as the virtues of the negro. We have been able to survive his presence and regulate his actions.

If there be a State that could possibly have any misgivings as to the colored people dominating the league of nations, if it should be effected, it would be the State which, in part, I represent here, and I say to the distinguished gentleman from Missouri, notwithstanding his dread of the league falling under the domination of the colored races, the white people of my State are practically unanimous in their advocacy of this league, entertaining not the slightest fear of the alleged dangers that my distinguished friend has pointed out. But this very ingenious and unsound argument having been exhausted, the opponents have appealed to the religious prejudice of the people, saying that the papacy might control.

How great is your desire to sow the seeds of distrust and inflict the poisonous fangs of prejudice! One of the few things that our fathers in the formative period of this country unanimously agreed upon was that "Congress shall make no law

respecting the establishment of religion or prohibiting the free exercise thereof."

If we should wait until the peoples of the world become united in religious faith and agreed on the best plan of salvation, the league of nations would be as far away as the sun. We must assume that enlightened people will worship God according to the dictates of their own consciences, and that as long as salvation is offered to the children of men various doctrines will be taught and different creeds practiced. We can not hope to legislate religion into peoples, nor should we withhold the succoring hand of relief from other peoples simply because either they have not advanced in civilization as far as we or affiliated with us in the same religious faith.

Mr. WILLIAMS. Before my colleague passes the last point will he yield to me?

Mr. HARRISON. I yield.

Mr. WILLIAMS. I want to ask my colleague a question. Has he learned that the negroes in Mississippi have found any way of making the Japanese and the Chinese and the colored races cooperate against the balance of us in the league of nations?

Mr. HARRISON. Not at all.

Mr. WILLIAMS. I thought maybe not.

Mr. HARRISON. And I never thought that in the United States the argument would ever be used along religious lines in order to arouse the prejudice of the people. One of the few things that our fathers unanimously agreed upon in the Constitutional Convention was that there should be no law enacted by Congress respecting the establishment of religion or prohibiting the free exercise thereof upon the part of our citizens.

In the recent war men of opposite faith measured lances upon the battle fields like men of the same faith, and at the peace conference at Versailles men of the same Christian faith differed with one another quite as often over great questions as with those of different religious faith. Thus it has been throughout time and will be as long as the rivers flow and the sun shines. But, sirs, this Government, our people, should be the last to invoke religious prejudice in the consideration of this great question. It was America, this young giant of the West, that in its early life opened up its rich prairies and wonderful forests and offered them as a playground for the religiously persecuted of every land.

Little did the Pilgrim Fathers think, when two and a half centuries ago, in their little tempest-tossed, weather-beaten bark, they escaped religious persecution and the jaws of the wild Atlantic, and landed at Plymouth Rock, to live in peace and worship God according to the dictates of their conscience, that in this land religious discrimination ever would be invoked. It was here the Huguenot came to find religious freedom. And it was this new land that gave William Penn sweet refuge, an asylum where he and his devoted followers might live in peace and brotherly love.

Not as the conqueror comes,
They, the true-hearted came;
Not with the roll of the stirring drum,
Nor the trumpet, that sings of fame;
Nor as the flying come,
In silence and in fear—
They shook the depths of the desert gloom
With their hymns of lofty cheer.

And in this connection it would seem not out of place to quote from a great Methodist, Bishop Frank M. Bristol, who, in a speech in Philadelphia 10 years ago, speaking of the qualities of this good man, said:

Three hundred and twenty-five years ago William Penn proposed arbitration to the European nations as a substitute for cruel and un-Christian war in the settlement of international misunderstandings. The civilized world is only just catching up with this broad-minded statesman, this philanthropist of the seventeenth century. May that "holy experiment" which sprung from the vision and dream of William Penn, international arbitration, speedily make war as unpopular and as impossible as the good Quakers have always believed it to be un-Christian and inhuman.

Mr. President, I am a Protestant, every member of my family, so far as I know, belongs to the Protestant Church, but I denounce as unfair, unjust, and infamous such arguments against the league of nations.

They say it takes away from us the regulation of our own domestic affairs.

Why, sirs, neither in the first draft nor in the present draft was there anything that might be construed as taking away from us our right to control and regulate our own domestic affairs, and in discussing this assertion I want, at the same time, to draw to your attention the other charge which the opponents make, namely, that it would nullify the Monroe doctrine.

Both of these charges are doubtlessly made on their interpretation of articles 10 and 11. Article 10 reads:

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

What language is there that could possibly be construed to mean that the domestic affairs of this country or of the country of any member of the league might be interfered with? Why, sirs, the instrument itself obligates every member of the league to respect the territorial integrity and existing political independence of every other member of the league. If every member of the league respects our political independence and respects our territorial integrity and will live up to that respect by further obligating themselves to assist in preserving that territorial integrity and existing political independence against external aggression, it means that not only will they not interfere with the domestic affairs of other nations, members of the league; but that they stand united in seeing that the right to regulate our domestic affairs is not only respected but that they will all assist in preserving that right against any outside aggression.

Article 11 reads:

Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise, the secretary general shall, on the request of any member of the league, forthwith summon a meeting of the council.

Rather than for any excuse to be offered for opposing the league, that the language in either of these articles might be construed to take away from any of the members of the league their right to regulate their own domestic affairs, there was included in article 15 an amendment that is not found in the original draft of the covenant that reads as follows:

If the dispute between the parties is claimed by one of them and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report and make no recommendation as to its settlement.

Now, the same interpretation that was placed upon article 11 by the opponents of the league as taking away from us the right to control our own domestic affairs was placed upon article 10 in annulling the Monroe doctrine.

Under no stretch of the imagination could article 10 affect the Monroe doctrine, for the Monroe doctrine is a settled policy of this country, providing that any attempt by a foreign nation to make territorial acquisitions or establish new strategic footholds in the Western Hemisphere, or to secure political advantage in the domestic affairs of American nations, will be looked upon with disfavor by this Government.

If, as under article 10, every nation belonging to the league obligates to respect and preserve the territorial integrity and political independence of every other nation, member of the league, as against external aggression, then the foreign nation that would attempt to obtain a foothold on this hemisphere or interfere in the domestic affairs of any nation on this hemisphere would then and there violate the specific terms of article 10.

Article 10, in the plainest language, preserves the Monroe doctrine and makes the Monroe doctrine apply not only to the Western Hemisphere but to every nation that belongs to the league.

But so anxious were our representatives to remove any excuse upon the part of anyone for opposing the league on the ground that it might interfere with the Monroe doctrine, there was included and is now contained in the covenant article 21, that refers exclusively to the Monroe doctrine.

Article 21 reads:

Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

But, sirs, it matters not what the covenant might contain, it would seem that it can never please the Senators from Pennsylvania and Massachusetts.

While both the Senators, distinguished leaders of the opposition, have been eloquent in their denunciation of the first draft because of the alleged ambiguous language as possibly affecting the Monroe doctrine, when article 21 is included, specifically excluding the Monroe doctrine and removing all doubt as to the effect on it, these Senators become very much aggrieved and apparently offended that this doctrine should become the world's doctrine. Why, only the other day the distinguished Senator from Massachusetts, in discussing the Monroe doctrine, employed this language:

It is ours, and it rested, in the first place, upon the broad principle of self-preservation. That is the bottom of the Monroe doctrine. It is all ours; and now it is carried into this league of nations. It is already interpreted by England, although it is wholly our affair, and it is to be determined in the future by the league of nations.

Mr. President, any question which arises in regard to the Monroe doctrine, in my judgment, should be decided by only one power, and that is the power that has declared, interpreted, and maintained it—the United States.

And a few days later the Senator from Pennsylvania said:

We, the United States, can not answer anyone else in respect of it. We use it when, as, and to the extent we need it. There can be no limitation upon it except our requirements, our will, and our force of arms. Whatever security we may need within its purview it must give if we ask it.

But if we embody this provision in the league, the Monroe doctrine will cease to be a policy, and it will become in truth a formal agreement.

The distinguished Senators are like the old woman's snake—

That winded in and winded out
And left the people all in doubt
Whether the snake that made the track
Was coming in or going back.

But it is said that the league will promote wars instead of peace.

Mr. WILLIAMS. Mr. President, before we leave the point the Senator has just discussed, will the Senator yield to me?

Mr. HARRISON. I yield.

Mr. WILLIAMS. I understand that the Senator from Massachusetts makes his chief objection on the ground of inaccurate definition of the Monroe doctrine. The treaty mentions the Monroe doctrine *eo nomine*; in other words, by express name, but it says "regional understandings like the Monroe doctrine." Suppose that I said that a bald-headed man like the Senator from Louisiana [Mr. RANSDELL] should have a right to live upon the shore; do you reckon anybody would quarrel about whether the definition was obscure or not, provided I mentioned the name of the Senator from Louisiana?

Mr. HARRISON. I do not think anyone except the Senator from Massachusetts or the Senator from Pennsylvania will raise the question.

Mr. WILLIAMS. Or perhaps his junior colleague; in other words, if I inaccurately described the Senator from Massachusetts as being bald-headed or the Representative from Alabama sitting near as not being bald-headed, if I name either one of them expressly and state that they are exempt from the operations of this treaty, I rather imagine that if the Senator and I should construe a private contract as lawyers or as individual Senators, we would agree that they were excluded, anyhow, whether the description was a misdescription or a right description.

Mr. HARRISON. I agree with the Senator thoroughly. But the Senator from Pennsylvania says that this will promote war. It would seem remarkably strange that the representatives from the very enlightened countries that met at Versailles, representatives chosen because of their peculiar fitness and their wisdom to do this work, should have patched up, after so long a time, something that would promote war rather than promote peace. It will not promote war. Everything possible has been done to prevent war and make for the peace of the world. Why, sirs, for the last decade the policy of the Senate has been to enter into treaties with nations when disputes arose, which would put off the settlement of them, give cooling time, an opportunity to come together, so that differences would not be settled in the heat of passion.

The distinguished Senator from Pennsylvania in his speech stated that the league will legalize wars. But, sirs, is it not remarkably strange that the representatives of these 23 countries, who for months worked so assiduously to perfect this plan, representing countries that were sick and tired and exhausted from wars, countries the people of which yearned and hoped and prayed for peace, a long and lasting peace, should have written and perfected this plan, that although the purposes of which, as expressed in the preamble, are—

In order to promote international cooperation and to secure international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized people with one another—

would do just the opposite and attempt to devise a plan that instead of doing these things would breed and promote wars?

Why, sirs, the representatives of those countries, while, perhaps, not as able and as well versed in statecraft as those of the opposition in this Chamber, were at least chosen by their respective governments because of their experience and ability and qualities of statesmanship.

No one can read the speech of the Senator from Pennsylvania without concluding that he intended to have the country

believe that this covenant of a league of nations really made wars more probable than less frequent. No one has ever contended that this plan will guarantee the peace of the world and absolutely prevent future wars. That is impossible, but the whole policy of this country in its international affairs for the last decade has been to arbitrate our differences and to fix a limit of time if these differences were not settled before a war can ensue. This country, within the last decade, entered into about 30 treaties, agreeing to arbitrate our differences and not to go to war against each other under any circumstances until at least one year had elapsed.

That policy was based on the very sensible view that if nations take time and be given an opportunity to deliberate over their differences, an amicable settlement is more likely than if in the heat and turmoil of the hour those differences are attempted to be settled.

If a similar policy could have been invoked and similar procedure followed when the Archduke of Austria was assassinated, this war might have been prevented; but, be that as it may, this we do know and know full well that if the civilized nations of the world agree, by solemn covenant, upon international law, and that they will respect the territorial integrity and political independence of every other nation against external aggression, and agree to join forces with every other nation to see that the territorial integrity and political independence of every other nation is preserved against external aggression, and those nations live up to that agreement, then the cancer of war has been removed.

But, if some difference should arise and, by the terms of the covenant, as it is written, this difference is either sent to the council for investigation and recommendation or to the court of arbitration for award, which delays the controversy and gives opportunity for a cooling period and rational reasoning, it will lessen wars. And when you, under the terms of the instrument, provide, as embodied in this instrument, that when these differences arise and the dispute has gone to the council for investigation or to the court of arbitration for award, that the disputant nation will not go to war until at least three months after the award or recommendation has been made, and not even then, as against that nation that agrees to the recommendation or to the award, you continue to lessen wars.

And, sirs, when that culprit nation that cares not for its obligations, desirous of disregarding the covenant, violates it, it will know that, then and there, the civilized nations of the world belonging to the league will inaugurate a common policy by inflicting a sure punishment on it, and it will think a long time before it takes the step.

In this day of close and intimate relationship, when oceans have been turned into fords and foreign countries made our near neighbors, when it is only a 16-hour hop across the Atlantic, when transportation has been revolutionized and nations can not exist without intercourse one with the other, they can not afford to be divorced from the rest of the world. There is hardly a country to-day that, if it were ostracized from every other nation, its people prohibited from every intercourse with the people of other countries, its trade and commerce stopped, all communication divorced, could live very long.

But, sirs, if these economic powers that are lodged in the covenant to be exercised by the members of the league if necessary do not bring about the desired result and sufficient punishment for the culprit nation, then, in the interest of civilization and humanity and peace, we should be willing, as the foremost nation to-day in the world, to contribute our quota in soldiers, in sailors, and in money toward punishing the culprit nation.

And with that situation staring a nation in the face, I care not how strong its desire may be to go to war and to violate its pledges, it will think a long time before it makes the leap.

It is, sirs, because of this united effort, this common policy, this great strength that would come from these united nations, that wars will be lessened and the peace of the world insured.

Whatever doubt may have been entertained with regard to the first draft of the covenant touching our right to withdraw at any time is removed by the express terms in the treaty. Article 1 gives to each member the right to withdraw after two years' notice, provided it has fulfilled its obligations; and it would seem to me that if the great dangers pointed out by the distinguished opponents of the league are really ominous, that rather than see this country again thrown into the caldron of war, rather than see our sons again torn away from the arms of their mothers, rather than see the hand of taxation again placed upon the stooped and burdened shoulders of the people, rather than see a period of unrest again taking hold of the world, they would vote for this treaty and at least give this league of nations a trial.

And, sirs, if you really desire to go before the people on the issue of whether or not there shall be a league of nations, and the United States shall meet its responsibility in maintaining the peace of the world, write into your next platform, commit your candidate for President on the proposition that if he and a Republican Congress are elected, they will, under the terms of the treaty, serve immediate notice upon the league of the intention of the United States to withdraw from it.

There is not a Republican leader here—there is not a candidate to-day for the Republican presidential nomination, who would now commit himself to such a course as that; and if you do, you will hear the voice of the people, Republican hopes will be forever shattered, and your party ignominiously defeated.

But that is not in keeping with what the Senator from New Hampshire said yesterday. He is a member of the Foreign Relations Committee. Let us see what he said. He wants to throw the whole treaty out of the window. Ah! He forgets the condition of the poverty-stricken people of Belgium. He forgets the conditions over the country in Europe. He forgets the just reparation and retribution that is offered, within the covers of that treaty, to those people. He just wants to throw the whole thing out of the window.

Mr. WILLIAMS. Which Senator from New Hampshire?

Mr. HARRISON. Mr. Moses. I know the Senator is surprised. I was surprised when I read it.

Mr. WILLIAMS. No; I was not a bit surprised.

Mr. HARRISON. Ah, sirs, you have tried to arouse the Irish of the Nation into believing that if the league of nations is adopted Ireland's hope for self-determination is gone. You have tried to arouse their prejudice by going so far as to say that if the league is adopted and Ireland should become engaged in war with England, that we are bound to go to the rescue of England and fight Ireland. The same argument has been made touching Korea and Japan. Ah, sirs, we know that Ireland is a part of Great Britain, and that there is nothing in the covenant that binds its members to interfere in the domestic affairs of any member of the league. On the other hand, it specifically provides, as in article 15, that we shall not interfere. It is very true that under article 11 "any war or threat of war, whether immediately affecting any members of the league or not, is declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of the nation."

There is nothing in that language that could be construed as making it obligatory upon the United States to interfere in any war between Ireland and England. On the contrary, while such domestic trouble might be a matter of concern to the league, it can only take such action that might be deemed wise and effectual to make for peace or "safeguard the peace of nations." In other words, if there should come a war between Ireland and England, there is nothing in the covenant that would prevent the United States from bringing to bear every influence that might safeguard the peace of that nation. There is nothing in the terms of the treaty that says that we should side with England in that controversy; we could side with Ireland just as well and extend our good offices on the side of Ireland just the same as we could on the side of England.

But, it is expressly understood that, while we may tender our good offices to bring peace among these warring people, if a war should arise, we could not go to war in that event either on the side of Ireland or on the side of England. The same facts touching that illustration were applied to war between Korea and Japan. In that connection, may I take a case closer to our own doors?

The Philippine Islands are under our control, and there are many peoples in other countries who believe that the United States Government should grant to the Philippines her independence and allow her to set up a separate republic of her own. I am one of those in this country who share in that belief. But, sirs, under the terms of the covenant, if in the future the Filipino should rise and make war on the United States, neither England, under the terms of the covenant, nor Japan, nor any other member of the league, could come to the rescue of either the Philippines or the United States. It would be a war among ourselves, and the only concern that the league might feel about it and action they might take regarding it would be under article 11 wherein it is provided that "any war or threat of war, whether immediately affecting any members of the league or not, is a matter of concern to the whole league."

Of course, it is a matter of concern to the whole league and every member of the league, because the very purpose of it is to maintain peace throughout the world, but under its terms the only thing that the other members of the league could do under that article would be to offer their kind offices to effect

some settlement of our differences that might be pleasing to both the Filipino and our own people. Does it make for war or make for peace when we expressly state that any war or threat of war is a matter of concern to the league? Is it supposed that we are to sit idly by and when a war of any kind arises we are not to exert any influence to effect a peaceable settlement among the parties to the dispute?

By giving the matter some concern it does not mean that we are going to get into the war; it does not mean that any party to the dispute must accept our friendly advice or suggestions, but the purposes are good, and while they may not always bring about peace, they certainly can not make the matter worse and bring about war.

Ah, sirs, there is not an opponent of the league, there is not a true American in the United States to-day, who would be in favor of declaring war on England simply because Ireland and England have not been able to adjust their differences and England give to Ireland the right of self-determination. No Senator here feels a more kindly interest and sincere sympathy for Ireland in her fight and her persistence for self-determination than I. I am very much of the opinion that one of the blackest pages in the history of England is her treatment of Ireland, but, sirs, while that is my own individual view, and I am willing to vote for resolutions expressing the sympathy of the United States Senate and of the American people for Ireland, I am not willing for the United States to make a common war against England in order to obtain for Ireland self-determination. And he who to-day holds Ireland in higher respect and in greater esteem than his own blessed United States ought to move to Ireland and assist those good people to settle their problem rather than embroil us in their controversy.

It is said that the covenant "affects the rights of labor."

It is really amusing when we scan this debate to see who are the ones that advance that argument and who are the Senators so solicitous about the welfare of the laboring man.

I want to read from the junior Senator from Pennsylvania [Mr. Knox].

Read in the light of the provision of article 21, which requires that the high contracting parties shall make provision through the instrumentality of the league "to secure and maintain . . . equitable treatment for the commerce of all States members of the league," the question arises as to whether or not it is the intent of these provisions to put the labor of all countries upon an equality; and if this be the intent and purpose of the document, then the labor of this country may well consider, inasmuch as France has already given notice that it will be impossible for French labor to be put on an equality with American labor in hours of work, whether American is to be brought to the level of French labor in this regard, in order that there may be equitable treatment of the commerce of the two countries.

And now I read from the senior Senator from New Jersey [Mr. FRELINGHUYSEN]:

The conditions of labor in this country are better, I believe, than in any other part of the world, and it may be possible that labor in this country will run the risk of an attempt to pull down the standards which prevail here.

I could go further and read from other distinguished Senators of the opposition. Suffice it to say that practically all of them base part at least of their opposition to the covenant of peace on its alleged inattention to and lack of sympathy for the welfare of the laboring man.

Ah, sirs, when did these distinguished Senators become so much interested in the welfare of labor? What is there in their public records to disclose to labor their interest in it or sympathy for its welfare?

Here is what the covenant says about labor, and labor throughout this country will not be misled by the seductive arguments of the opposition:

The members of the league will endeavor to secure and maintain fair and humane conditions of labor for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations.

I wonder, sirs, if the distinguished Senator from Massachusetts or the Senator from Pennsylvania had been chairman of the American delegation at Versailles, either of them would have invited Samuel Gompers, the head of the American Federation of Labor, to attend and remain there for consultation as to the welfare of the working people? Does anyone imagine that if either of these distinguished gentlemen had been permitted to write the covenant that one word looking to the welfare of the working people of the country would have been incorporated in it? Ah, sirs, already has this seductive argument been exploded, because there is not a labor organization in the United States to-day that has not practically voted unanimously indorsing the league of nations and beseeching you to ratify this treaty. The laboring man of this country will no more be misled by your seductive arguments touching labor than will the white people of the South by the arguments touching the domination of the league by the colored man or the

Protestant Christian people of the world by the alarmist assertions touching its domination by the papacy. They know that the arguments are employed merely to attract the unwary, the unsuspecting, and the innocent; that they are mere tubs thrown out upon the waters to attract the whale, so that the miserable and leaky canoe of opposition may float serenely and successfully to shore.

You may place your arguments wherever you will and with all the artistic and ingenious touch of a master, but, sirs, for the most part and in the most instances, your real opposition to this peace treaty arises out of two facts. One is that Woodrow Wilson had a part and a hand in making it; the other is because of articles 8 and 9 of the covenant.

The Republican Party has ever stood for protecting the special interests of America; its policy since its creation has been through a high protective and exorbitant tariff to enrich a few at the expense of the many. It has made no bones about it. It did it under the guise of helping labor, but the facts would not down, and it has been conclusively shown that the processes only robbed the many for the enriching of a few.

It was the high-handed methods of the leaders of the Republican Party in desiring to rob the people in that process to too great an extent that finally drove it from power and caused a breach even within its own ranks. Men who have stood by such a nefarious doctrine as that are very likely to regret very much to see industries in their States that have grown fat and prosperous through the manufacture of munitions of war suddenly thrown out of commission. Millions of dollars in the last decade have flowed into the pockets of the munition makers and manufacturers of armaments in Pennsylvania, Delaware, New Jersey, New York, Connecticut, and Massachusetts. I might name other States that have profited in less degree.

Article 8 says:

The members of the league recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

Further it says:

The members of the league agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections.

And further:

The members of the league undertake to interchange full and frank information as to the scale of their armaments, their military and naval programs, and the condition of such of their industries as are adapted to warlike purposes.

And while it is very true that the council shall formulate plans for the consideration and action of the several Governments touching the reduction of armaments, these plans must be reconsidered and revised at least every 10 years; and while there is nothing in the article that would destroy the right of Congress to raise armies and provide for them, it does limit the power of each nation to increase its armaments without the consent of the council when once the plans formulated by the council are adopted by the nation.

It is that article that is opposed by the munition makers and manufacturers of armaments throughout this country.

It is natural, therefore, that these men should bring to bear every influence possible upon their chosen representatives to see that these interests are protected. It was amusing to see the gallant fight of the distinguished Senator from Pennsylvania the other night when the Army bill was before the Senate for consideration. The distinguished Senator advocated an amendment to appropriate out of the Federal Treasury \$1,600,000 for a munitions plant in his State, in order that the operation of the plant might continue. Do you think that those who owned that plant would be desirous of seeing article 8 incorporated into this treaty?

Let me read some excerpts from the speech that the junior Senator from Pennsylvania made on that occasion:

It is one of the oldest establishments or instrumentalities in our national defense. It was founded more than 100 years ago and has been the nucleus from which all the arsenals of the country, both permanent and temporary, have sprung. There is a settlement of working men and women residing at Frankford whose fathers and grandfathers worked there before them and who have acquired their own homes. They are an institution.

I think, Mr. President, that we all recognize that these great institutions and instrumentalities of war are not profit-making concerns. We build battleships that never engage in naval conflict; we build great guns that never fire a shot at an enemy; we manufacture powder that deteriorates and is never utilized.

When I was a boy I became such an expert fisherman that I could not only, in watching the float on my line, tell when I had a bite, but from the way the fish nibbled and struck I could tell what species of fish had my-hook.

Mr. THOMAS. Mr. President, apropos of the last statement of the Senator, it might not be inappropriate to refer to the last reported political letter or missive of the late Theodore Roosevelt to the chairman of the Republican national committee. I think this was about the time that the reported split in the Republican senatorial ranks was a matter of so much interest to Democrats. Mr. Roosevelt sent this letter—and I hold a lithographic autograph copy in my hands—which no doubt had something to do with the result to which the Senator from Mississippi has drawn attention. It is very short, but very significant:

Hays: See him. He must go to Washington for 10 days and see Senate and House. Prevent split on domestic policies.

Mr. HARRISON. Who was that that went down?

Mr. THOMAS. I do not know.

Mr. HARRISON. Mr. Hays, I suppose, they were talking about.

Mr. THOMAS. No; this is directed to Chairman Hays, to "see him."

Mr. HARRISON. Well, I will bet he saw him.

Mr. THOMAS. Who "him" is, is an unfolded mystery up to this time.

Mr. HARRISON. Sirs, these big munition makers—these men who have grown rich at the expense of the many; these men who desire to see competition among the nations of the world in the building of a gigantic Navy, in the maintenance of a large standing Army, in fortifying our every coast—can not be expected to advocate article 8. It is natural to suppose that they are against any plan that will prevent the competition among the nations of the world in their mad race for naval and military supremacy.

Mr. THOMAS. Mr. President—

Mr. HARRISON. I yield to the Senator from Colorado.

Mr. THOMAS. I am quite as much devoted to the cause of a liberal tariff as any other Democrat, and I heartily share in the Senator's sentiments on the general proposition of a protective tariff. But I am compelled, with regard to the instance to which he has just referred, to remind him that the subject under discussion was the Frankford Arsenal, which belongs to the Government of the United States and with which no munitions maker has had anything to do. The question which was presented by the Knox amendment there was one which related to the preservation of a very important Government institution which had around it a very valuable organization of skilled workmen, the dispersal of which would in all probability follow from the small appropriation which the House fixed. A delegation composed of representatives of heads of families and skilled workmen came before the Committee on Military Affairs to protest against the small appropriation appearing in the military appropriation bill, not because it might not be sufficient to supply the present needs of the Army but because it meant the disorganization of an integral community of skilled workmen the preservation of which seemed to the committee to be necessary. Personally, therefore, I supported it and voted, as well as the Senator from Pennsylvania, for the increased appropriation.

Mr. HARRISON. Yes; I recall. I happened to be one who voted against it. I voted against it because the War Department stated that there were 1,700,000,000 rounds of ammunition already on hand and that \$150,000 was quite sufficient, and that they need only 1,700,000,000 rounds.

If I interpret correctly the wishes of the American people, they prefer, if these nations of the world continue to build battleships, increase the supply of their armaments and munitions, and enlarge their standing armies, to see that we maintain a reasonable increase with them, that we might protect ourselves in the event of possible war; but I very much believe that they very much prefer to see this competition removed, this heavy burden lifted from their shoulders, and some plan, such as is revealed in the league of nations, adopted, that this useless expenditure of money and wild competition may cease.

One of the greatest incentives to war is to clothe a nation with the implements of warfare. When soldiers are trained to fight, when the weapons of warfare are at hand, when every other war material is ready for use, war is most likely. It was the great German military machine, organized, equipped, ready, only waiting for the command to be given, and the great Krupp's factory plants casting their shadows over Germany that encouraged and precipitated the war. Long ago every State in the American Union realized that the civilization and peace of society was threatened when individuals were allowed by law to carry weapons of death. Consequently to-day there is not a State in the Union where the carrying, in whole or in part, of concealed or dangerous weapons is not prohibited by law. If

such laws against individuals upon the part of States be for the betterment of civilization and the peace of society, then why is it not in the interest of civilization and the peace of the world that nations be restrained in the manufacture and carrying of concealed weapons, in whole or in part, if you please, those dangerous weapons of warfare that defy peace and mean destruction?

Senators, you are leaders of a great and historic party. Men and women are enlisted under the folds of your banner who are as patriotic and as loyal as can be found in the world. You represent constituencies that have given their bravest and best in the cause of democracy and shed undying glory upon this Nation. Do not think yourselves wiser than your masters; do not think that the wisdom of the Republican Party is lodged in your membership. The thousands of men and women throughout this country who have never voted anything but the Republican ticket, who cherish its history and revere its principles, believe that this treaty should be ratified.

The country has read with approval and appreciation the utterances of ex-President Taft, Mr. Wickersham, and a host of other loyal and patriotic Republican leaders. They have been a great force in bringing to this Senate and giving to suffering people this ray of hope, this embodiment of good will and lasting peace among mankind. As a member of the other body, I heard, amid the applause of his colleagues and the approval of the country, a speech made by the then leader of your party in the House. He is a great American, a wise legislator, a safe counselor; and while a partisan Republican, he places country above party, the welfare of mankind above partisanship. Let me suggest for your consideration these words of Mr. MANN:

There seems to me to be quite a tendency on the part of many of my fellow Republicans, not only to criticize severely the President of the United States for his part in reference to a league of nations, but to criticize the idea that the United States shall enter into any arrangement which may tend to prevent war in the future.

We come out of this war owing many billions of dollars. We will leave that heritage to our children, very likely to our children's children and perhaps a generation further on. If the only heritage which this generation gives to those who come after it is an indebtedness of billions of dollars for them to pay at least the interest on, and part of the principal, without at the end of the war doing something to prevent future wars, we will not in the future receive the blessing of mankind, but its condemnation.

I am not undertaking to criticize any gentleman who has spoken upon this subject. I am only saying that in my judgment it is desirable, and I think essential, that something shall come out of the war which may tend to prevent future wars, and not merely leave us as the result of the war almost hopelessly in debt.

In these few words, Mr. President, this distinguished Republican voiced the sentiment of the rank and file of his party; he expressed the earnest wish of the American people.

This treaty, sir, represents the settled thought of the leading statesmen of the world. It is the consummation of untiring labor and patriotic service.

To obtain it the rational thought of unselfish representatives had to combat the greed and avarice of the selfish.

It is the covenant of peace upon which the aspirations of a just, honest, and ambitious people may rest and within the bounds of which happiness and peace will dwell.

Sirs, if you are to defeat it, let me appeal to you to meet the issue in the open. Do not wait until your victim has passed along the broad highway while you lay along the roadside, ambushed, with your stiletto in hand to drive it in its back. Meet it face to face. Do not put yourselves in the attitude of voting reservations that are meaningless or ratify it with a string tied to it—such a string that will strangle it.

It is now a finished structure, the work of artists. Its strong columns bespeak stability, its symmetry and architectural beauty the understanding of nations. One block of stone removed from it might not only affect its beauty but impair its strength. That one may not destroy it, but as the storms of controversy play upon it its foundations may weaken, its strength may diminish and cause it to crumble into ruins.

Sirs, a crawfish has been known to work its way into the great levee system that holds in check the mad waters of the mighty Mississippi, until the river broke through, carrying destruction in its path. A leak no larger in the beginning than a pinhead can sink the mightiest steamer that ever plied the bosom of the deep.

My colleagues may not agree with me, and while I am hoping, sincerely hoping, that it will not come to pass, it is my deliberate judgment—and I base it in part on your actions and the utterances and actions of the chairman of the national Republican campaign committee—that you will be content to further deceive the people by exercising the power that you wield here in placing meaningless reservations upon this treaty. I do not believe that any reservation that you attach to it will amount to a thing. In your heart of hearts you know it would be dis-

astrous to this country and ruinous to your party's hopes to place such reservations in this treaty as would compel a reconsideration of it by all the signatory powers and destroy the hope of mankind for world's peace, but your adroit chairman only last Tuesday sounded the keynote of your campaign against the covenant when he, in an interview, outlined the Republican demand regarding the league.

But, sirs, my friend the Senator from Colorado [Mr. THOMAS] spoke of the chairman of the national Republican committee a moment ago, a Mr. Hays. Mr. Hays came down here the other day. He talked to the Senators of the opposition, evidently, and he gave out an interview.

In that interview Mr. Hays sets forth your party's position. He does not agree with the distinguished Senators from Idaho and Washington that the Republican Party should come out against any league of nations. On the contrary, if his utterances are to be accepted in their true meaning, he is in favor of a league, but with certain reservations. Let us see what kind of reservations Mr. Hays desires. He says first, "These reservations must safeguard the sovereignty of the United States in every particular."

Mr. Hays knows and every patriotic American knows that there is not an American to-day from the President of the United States down who favors the league of nations who would vote for a covenant that would affect the national sovereignty of the United States, and Mr. Hays knows that if a reservation declared that nothing in the treaty shall be understood to affect the national sovereignty of this country that it would be buncombe, pure and simple, changing the treaty not one iota, but merely in order to deceive the public and attempt to make the people believe that it was the Republican Party that saved the national sovereignty of the United States.

Secondly, he says reservations must be adopted that will "guarantee the Monroe doctrine beyond the shadow of a doubt." What use would there be for a reservation declaring that nothing in the treaty shall be understood as affecting the Monroe doctrine? Why, sirs, it is specifically stated in the covenant that "nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for the securing and maintenance of peace."

Such an amendment would be puerile, and yet Mr. Hays would have the Republican majority here incorporate such a reservation that would not necessitate the treaty going back into conference and would only declare over again what has already been declared in the treaty. It would be another effort merely to deceive the public and have the unsuspecting believe that it was the Republican Party that saved the Monroe doctrine.

He says, further, that the reservations "must either eliminate article 10 entirely or"—get his language here. See how dexterous he is. See the care with which he selects the words in order to deceive the people and bring the Republican leadership into a more compromising position. "Or," says he, "so modify it that Congress shall be morally as well as legally free, after a specified period, to decide when and where and to what extent our soldiers shall be employed."

I have not heard a single opponent of the league since the final draft of the covenant came to us contest the proposition that the league left it to Congress to declare war and left it to Congress to furnish military, naval, and economic aid. So you will note that Mr. Hays does not say that article 10 should be eliminated, but he is willing that "it be modified to the extent that Congress shall be morally as well as legally free, after a specified period, to contest when and where and to what extent our soldiers shall be employed."

Mr. Hays is about the only one who is presumed to have read the covenant who contends that article 10 or any other article in the treaty will compel the United States, without an act of Congress, to say "when and where and to what extent our soldiers shall be employed."

He further says that reservations should be made that will "retain our full control of immigration, tariff, and all other purely domestic policies." What need would there be for such reservation when it is expressly provided in the covenant itself that the league has no power over domestic affairs? It deals only in international questions, and the immigration and the tariff, being purely domestic, are not brought within the scope of the league; and he says, further, that reservations must be made "that will provide full right to withdraw from the league at any time without hindrance or conditions of any kind, upon giving suitable notice."

Surely Mr. Hays has not read the last draft of the covenant or he would have seen that in article 1 it is expressly provided that "any member of the league may, after two years' notice

of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal."

Now, if the distinguished chairman of the Republican committee would have his reservation made that the United States shall have the right to withdraw from the league even though it had broken some of the obligations that it had agreed to by joining the league as a member, he should say so and let the people know the hypocrisy of his position. But if that be his position, I am quite sure that no patriotic American belonging to the Republican Party shares the same views.

To read such strictures reminds one of the fly that perched once upon the dome of St. Paul's—observing some slight defect in the gilded covering of that magnificent structure, immediately flew away and commenced to pour into the ears of the neighboring flies its criticisms of the glorious work of Sir Christopher Wren.

Sirs, the treaty takes care of and provides against every danger embodied in the suggestions in that interview, and for the Congress to include a single one of them would be merely superfluous, a reiteration of what already appears in the treaty; but it is the same thing, a very crude piece of Republican camouflage, intended to create in the minds of the people of this country the impression that it is the Republican Party standing for the national sovereignty of this Nation, the regulation of its own domestic affairs, and for the continuation of the Monroe doctrine.

Sirs, if you exercise the power that you hold to support that suggestion and incorporate these reservations, then let me warn you now not to have the audacity to go before the people next year and claim it as a Republican achievement. But I am quite sure that is what you will do.

When we reflect on the sorrows and cost incident to this war and the sleeping hatred in the German breast, it behooves us to look to the future. If it is now within our power to prevent its recurrence, and we fail, our condemnation will be deserved. Remember that it was only a few years ago, sweeping up from the Caribbean Sea and through the Mexican Gulf, a terrible storm struck Galveston. You will recall how the mad waves ate away millions in property and engulfed hundreds of human lives. Great as was the havoc wrought, the good people of that thriving city to-day understand that it was but a notice to them that the same disaster might recur, even to a greater and more disastrous extent. They learned a lesson from their experience and laid their plans for future protection. To-day there is a high sea wall protecting that progressive city, insuring unto its industries protection and unto its citizens safety against the mad and angry waves that oftentimes sweep and beat relentlessly against it.

No cyclone ever visited a community, I care not how remote it might be from the busy life of the city, without influencing those whom it left behind to construct storm pits and other safe places for their future safety. Let us take lessons from the experience of the past and, having gone through this hellish war, hope that Isaiah's prophecy to the Israelites will come true when he said: "And He shall judge among the nations, and shall rebuke many people, and they shall beat their swords into plowshares and their spears into pruning hooks, and nation shall not lift up sword against nation, neither shall they learn war any more."

I appeal to you, sirs, to come out from that spell of partisanship. Help us ratify this treaty. Give to the people the peace that they desire. Let it not be said of this historic body that it is the cause of withholding from the poor and bleeding and prostrate people of Belgium, France, Serbia, and other countries the just retribution that is carried within its covers. Let it not be said that it was this body that sounded the bugle for the American forces to again be mobilized, to march again over the war-torn battle fields of Europe. Let it not be said that it was this body that granted postponement for the trial of the Kaiser and a stay of execution for his diabolical and cruel and inhuman acts.

Sirs, if you defeat this treaty the responsibility will be upon your shoulders. You will throw a pall of anxiety and spread a blanket of sadness over the world. You will by your action withhold the hand of succor that is ready to be extended to the poverty-stricken people of Europe. You will encourage Bolshevism and crush the poor struggling people of little nations who are making such gallant fights for stable and organized governments. You will fill the homes of this land with sorrow. You will "break the heart of the world."

Mr. BECKHAM. Mr. President, I had given notice that to-day I would address the Senate on the subject of the league of na-

tions; but the hour is late. Senators are fatigued, and I have decided to wait until to-morrow. At some convenient time to-morrow I shall address the Senate.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

Mr. WILLIAMS. I wish to call the attention of some of the Senators on the floor—

The PRESIDING OFFICER (Mr. SWANSON in the chair). Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. WILLIAMS. I ask the Senator to withhold his motion. Mr. CURTIS. It is so late that if we are to have an executive session we must have it now.

Mr. WILLIAMS. Then I make the point of no quorum.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 22, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

Monday, July 21, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of good, right, truth, justice, liberty, righteousness, look with compassion, we beseech Thee, upon this weary, warring world, and lead us to peace and happiness.

Deliver us from race prejudice, hate, and strife, that Thy will may be done in all the world and righteousness become the leading passion of all men; that Thy kingdom may indeed come and bring to all good will. In the name of Christ, our Lord and Master. Amen.

The Journal of the proceedings of Saturday, July 19, 1919, was read and approved.

Mr. McARTHUR. Mr. Speaker, I make the point that there is no quorum present.

Mr. GOOD. Will the gentleman withhold that for a moment?

Mr. McARTHUR. I will.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States, by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had on July 19, 1919, approved joint resolution and bill of the following titles:

H. J. Res. 120. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Tao Hung Chang and Zeng Tze Wong, citizens of China; and

H. R. 7343. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes.

RATIFICATION AND CONFIRMATION OF APPROPRIATIONS.

Mr. GOOD. Mr. Speaker, I ask unanimous consent for the consideration of House joint resolution 147.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the immediate consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House joint resolution 147—

Mr. CLARK of Missouri. Mr. Speaker, did not the gentleman from Oregon make the point of no quorum?

The SPEAKER. He withdrew the point of no quorum. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 147) to ratify and confirm from and including July 1, 1919, obligations incurred pursuant to the terms of certain appropriations for the fiscal year 1920.

Resolved, etc., That appropriations for the service of the fiscal year 1920, contained in the Agricultural, Army, District of Columbia, Navy, and sundry civil appropriations acts, and the "third deficiency appropriation act, fiscal year 1919," shall be available from and including July 1, 1919, for the purposes respectively provided in the said appropriations for the service of the said fiscal year. And all obligations incurred pursuant to the terms of such appropriations in the aforesaid acts as approved are ratified and confirmed from and including July 1, 1919.

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Iowa the necessity for this resolution.

Mr. GOOD. The necessity for this resolution is this: The general deficiency bill was approved on July 11. It carries a great many items for the present fiscal year. The District of

Columbia appropriation bill was approved on July 11; the Army bill was approved on July 11; the Navy bill was approved on July 11; and the sundry civil bill was approved on July 19. Now, under the ruling of the Controller of the Treasury an appropriation bill is not retroactive, and it is necessary to pass a resolution through both Houses of Congress that will provide that the obligations incurred, that are authorized in those various bills and incurred before they were approved, should be ratified, and the employment of clerks employed from June 30 to July 11, and to July 19 in the case of the sundry civil bill, should be ratified by resolution.

Mr. CLARK of Missouri. Does the gentleman agree with the opinion of the Comptroller? What is it you call him now, anyway?

Mr. GOOD. Controller of the Treasury, Judge Warwick.

Mr. CLARK of Missouri. "Controller," and not "Comptroller"?

Mr. GOOD. Yes, sir. I have not examined his opinion, but I only know it is creating a great deal of embarrassment in some of the departments. The pay of clerks in some cases, I am told, is being withheld, and that could be obviated by the passage of a resolution. So I have believed it my duty to introduce this resolution.

Mr. WALSH. Of course, as a matter of fact, the real reason for this resolution is that the President was not here to sign this bill before the 1st of July.

Mr. CLARK of Missouri. That is a great piece of news.

Mr. WALSH. That is the sum and substance of it, anyway.

Mr. CLARK of Missouri. That is a great piece of news you are giving here.

Mr. MADDEN. I would like to direct the attention of the House to what I think exists in regard to the Agricultural bill. I understand that the enrolling clerk of the House has a receipt from the White House for the Agricultural bill as it passed both Houses, dated July 1, at 10:50 in the morning; that the President did not veto that bill until the date of the 11th of July, and that the Constitution of the United States provides that he must either sign or return a bill with his veto within 10 days. I maintain that he had no power to veto the bill; that the bill became a law before the date that he vetoed it; and that it is now a law notwithstanding that we passed another bill. We are in the anomalous position of providing for a resolution to make a law in order that the President vetoed at a time when he had no right to veto it.

Mr. CLARK of Missouri. Mr. Speaker, still reserving the right to object, the 10 days' limit runs from the time the bill is presented to the President, and the remarks of the gentleman from Illinois are entirely out of order and not to the point.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts [Mr. WALSH] if he would have had the President here on July 1 when it was his duty and to the interest of the people of the United States for him to be somewhere else on that day?

Mr. WALSH. It seemed to be his duty to be on the high seas on that day.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I was not here when the resolution was read. Is it a continuation resolution?

Mr. GOOD. It is not. The effect of the resolution is to make the appropriations retroactive to the 1st day of July, so that the obligations incurred shall be legal obligations and the clerks employed in the interim shall be paid.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GOOD. Mr. Speaker, I ask unanimous consent that the resolution may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the resolution may be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 147) to ratify and confirm from and including July 1, 1919, obligations incurred pursuant to the terms of certain appropriations for the fiscal year 1920.

Resolved, etc., That appropriations for the service of the fiscal year 1920 contained in the Agricultural, Army, District of Columbia, Navy, and sundry civil appropriation acts, and the "third deficiency appropriation act, fiscal year 1919," shall be available from and including July 1, 1919, for the purposes respectively provided in the said appropriations for the service of the said fiscal year. And all obligations incurred pursuant to the terms of such appropriations in the aforesaid acts as approved are ratified and confirmed from and including July 1, 1919.

Mr. GOOD. Mr. Speaker, I think I have explained already the real purposes of this resolution, but some Members have come in since that statement was made, and perhaps it would

not be out of order to again state the purposes of the resolution. The general deficiency bill, which carries a great many items for this fiscal year, was approved July 11, as was the District of Columbia appropriation bill, the Army appropriation bill, and the Navy appropriation bill. The sundry civil appropriation bill was approved on July 19. The Constitution provides that no money shall be paid out of the Treasury of the United States except in consequence of an act of Congress. These acts were not approved, four of them, until the 11th of July, and the sundry civil bill until the 19th day of July. Hence the obligations made between the 30th day of June and the 11th day of July, so far as they relate to the deficiency bill, the District of Columbia bill, and the Army and Navy bills, and between the 30th day of June and the 19th day of July, so far as they relate to the sundry civil bill, are without authority of law, and in order to permit the payment of clerk hire and the enforcement of these contracts it is necessary to adopt a resolution ratifying these acts. I therefore move the previous question on the resolution.

The SPEAKER. The gentleman from Iowa moves the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Good, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to insert in the RECORD a very short address made by Col. Frank Harris, a very distinguished citizen of my State, to the returning soldiers.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD by inserting an address of Col. Harris, of his State, relative to the returning soldiers. Is there objection?

There was no objection.

Following is the address referred to:

MR. HARRIS'S WELCOME TO OCALA'S HOME-COMING SOLDIERS.

Brave soldier boys, as a veteran of the war between the States—and take it from me their deeds of fortitude and valor have rarely been equaled and never surpassed—speaking for them I wish to say to you on this occasion that there are no words in our language strong enough nor beautiful enough for me to express our gladness in having you return in safety to your homes, as there were no words adequate enough for the 100 per cent American to express his admiration of you when you donned a uniform and at the call of your country proudly responded, "Here!" and with handkerchiefs waving and bands playing patriotically and triumphantly marched away.

You have written the proudest and most enduring chapter in the history of the world and in the biggest and brightest letters.

Like the restless tides of the ocean years have come and gone and in their ceaseless march have buried cities of long ago beneath the dust of ages. The ascent has been ever upward, all struggling for a higher civilization.

Greece and Rome appeared upon the map in the world's resistless sweep and both did their part in efforts to make the world better and in doing so performed many brilliant and cheering deeds, but brave and brilliant as they were they do not compare with the heroic part you played because they were not animated nor actuated by the same motives nor inspired by ideals so exalted.

You did not enter upon the theater of war for territorial expansion and aggrandizement nor for world dominion, but for the sole and lofty purpose of making the world a safe place for human habitation and the home a hallowed sanctuary.

In the performance of that duty your splendid courage and your sublime sacrifices will live forever in song and story.

When we witnessed your going, saw you bid farewell to loved ones and friends; beheld your fathers, mothers, sisters, and sweethearts press you to their bosoms in a fond and affectionate embrace, in bidding you farewell we could not but behold the suppressed feelings that were tearing out their very heartstrings, yet bravely bade you go, saying to you: "Do or die." It was then that our whole being swelled with patriotic emotions and we reverently gave thanks that we were born under institutions that were capable of bearing such a priceless fruitage.

We watched you step by step; we heard your proud and martial tread; we saw you enter the training camps and finally saw you cross the treacherous seas; silently and with quivering hearts we saw you enter the dark and gloomy shadows of the Argonne Forest, and when your intrepid commander shouted back to his superior officer of the allied forces that the American khaki-clad soldier knew no such word as retreat; saw you unawed by the roar of cannon and face unflinchingly the deadly missiles of a hitherto victorious enemy, and with a mighty, unflinching and overwhelming effort turn the tide of battle, we reverently gave thanks to high heaven for giving us boys with blood so rich and rare, nerves so like triple steel, and courage so dauntless.

You by your bravery have given the world a new meaning of liberty born of democracy, and in a baptism of blood you have added increased luster to the Stars and Stripes and have made it a thing of adoration to those everywhere who are yearning for the freedom it symbolizes.

And what shall we say of those who shall never come back—those who made the supreme sacrifice; those who laid down their young lives that you and I might live and enjoy the blessings of peace and live tranquilly and happily, undisturbed by the ambition of heartless rulers.

In the language of John Oxenham in "All's Well":

They died that we might live—
Hail! and farewell!
All honor give
To those who nobly striving, nobly fell,
That we might live!
That we might live they died;
Hail! and farewell!
Their courage tried
By every mean device of treacherous hate,
Like kings they died.
Eternal honor give—
Hail! and farewell
To those who died,
In that full splendor of heroic pride,
That we might live!

We know that a grave has been carved in the hearts of parents, kindred, and sweethearts that no amount of tears will fill nor length of time assuage.

In the language of Lincoln at Gettysburg, may we not ask: "Shall this Nation not resolve that they shall not have died in vain?"

If not so, the immortal supplication of Patrick Henry: "God forbid." Unless a league of nations is formed and is made strong enough so that the gradual disarmament of nations shall follow, wars with their terrible toll of death and lamentations and mourning will continue.

Let every one of us firmly resolve in every way to give encouragement and aid to the President and those engaged with him in their momentous and arduous task.

Let us gird the heavens in glittering letters of light with the sweet benediction that was heralded from Gallilee: "Peace on earth; good will to men."

For the loved ones who have made the supreme sacrifice and for those who have waited in vain for their coming, we would imprint in the hearts of those who are to come after us the sublime lesson that they died to make the world blossom with flowers and fruitage of a higher civilization; we would make that page so golden that its incense and fragrance shall never wither away, but like the effulgence that reaches to us from Calvary shall bloom perennially through the ages.

We find Europe torn and bleeding; we must heal her wounds; we must minister to her needs. We must feed her hungry, clothe her naked, and restore her sick.

What is the picture she presents?

Where poppies bloom in Flanders field is told by a Belgian hospital worker after two years' service in France upon his revisiting his home:

"Holes and holes and mud. Since the soldiers have left even the birds have deserted the solitary fields. Silence, gloom, devastation, and abandonment show us death in the upturned ground; death in the turbid, yellowish flood and death in the broken stones themselves—so strange and tragical is their shape."

We shall not be worthy of our position as American citizens unless we shall feel a deeper love for the country and its institutions which they gave their lives to save and a greater responsibility for the trust imposed on us that we may make and keep our country and her benign institutions every worthy of their sacrifice.

For the youth they gave and the blood they gave,
We must render back the due;
For every marked or nameless grave
On the steel-torn Flanders way
We who are whole of body and soul
We have a debt to pay.

For the youth they gave and the blood they gave,
For the strength that was our stay,
For every marked or nameless grave
We must pay with a service true;
Till the scales stand straight with even weight
And the world is a world made new.

Out of the twilight of the past
We move to a diviner light,
For nothing that is wrong can last;
Nothing's immortal but right.

I feel that I can not better conclude these words of welcome than by reciting the following apostrophe entitled "The Return of Our Heroes," sent me by a lady friend in Texas and written for the Fort Worth Record by Miss Annie Taylor:

Here's to America's heroes
And here's to the flag they bear,
Our heart and hand to this stalwart band,
The bravest and best of any land,
And here's to the scars they wear.

Here's to the Nation who gave them
For the sake of a suffering world,
Her stainless name, her deathless fame,
Victory crowneth with loud acclaim,
As the tyrants to death she hurled.

Here's to the hearts who gave them
Life of their life are they,
Yet they bade them to go face the foe
To redeem the world from a cursed woe,
The price with their lives to pay.

And here's (oh, say it softly)
To that still and matchless throng,
Whose bodies sleep where the poppies bloom,
In a distant land, in a stranger's tomb,
Throughout the ages long.

Our flag will enfold them forever
Upheld by an angel guard,
For heaven will hold every heart of gold
That sleeps 'neath a foreign sword.

LEAVE TO ADDRESS THE HOUSE.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent that on the first morning after the conclusion of this prohibition discussion, when it is disposed of, and after the reading of the Journal and the cleaning up of the business on the Speaker's table, the gentleman from Tennessee, Judge Moon, may have permission to address the House for 35 minutes on

The SPEAKER. The gentleman from Missouri asks unanimous consent that upon the conclusion of the consideration of the prohibition enforcement law the gentleman from Tennessee [Mr. Moon] may have permission to address the House for 35 minutes on postal matters. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I doubt the wisdom of the practice of providing in advance for addresses in this way. I regret it very greatly, but I feel it my duty to object.

The SPEAKER. Objection is made.

PRESIDENT'S MESSAGE—CLAIM OF MADAME CIGNIER (H. DOC. NO. 156).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Acting Secretary of State in relation to a claim presented by the Government of France against this Government on account of losses sustained by a French citizen in connection with the search for the body of Admiral John Paul Jones, which was undertaken by Gen. Horace Porter, formerly American ambassador to France, and, referring to my message of June 4, 1918, concerning this matter, I recommend that an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Acting Secretary of State.

WOODROW WILSON.

THE WHITE HOUSE,
21 July, 1919.

CALL OF THE HOUSE.

Mr. MCARTHUR. Mr. Speaker, I renew the point of no quorum.

The SPEAKER. The gentleman from Oregon makes the point that there is no quorum present. Obviously there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Edmonds	Kearns	Purnell
Ashbrook	Fairfield	Kettner	Ragsdale
Benson	Fitzgerald	King	Riordan
Britten	Focht	Kreider	Rouse
Browne	Fordney	LaGuardia	Rowan
Caldwell	Freeman	Lee, Ga.	Rowe
Carew	Godwin, N. C.	Leshner	Saunders, Va.
Cleary	Goodall	Lever	Scully
Costello	Gould	Linthicum	Sears
Dale	Greene, Vt.	McClintic	Slemp
Dewalt	Griest	Maher	Smith, N. Y.
Dooling	Hamill	Mason	Taylor, Ark.
Doremus	Hicks	Morin	Tilson
Dupré	Hull, Tenn.	Mudd	Venable
Eagan	Ireland	Neely	Welling
Echols	Jones, Pa.	Platt	

The SPEAKER. Three hundred and seventy Members have answered to their names. A quorum is present.

Mr. DYER. I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Missouri moves to dispense with further proceedings under the call. Without objection it will be so ordered. The Doorkeeper will open the doors.

CORRECTION.

Mr. GOLDFOGLE. Mr. Speaker, on page 2894 is printed an amendment which I offered, which should read as follows:

At the end of line 20, on page 23, insert the following:
"But so much of this section which follows the words 'or any part thereof' shall not apply to any room or apartment which is used and occupied as a dwelling and has not been used or employed as a saloon, hotel, boarding house, or store, or as an annex or appurtenance thereto, the intent hereof being that no room or apartment used and occupied exclusively for dwelling purposes by the occupant and his family shall be deemed to come under or within the purview of that part of this section which follows the words 'or any part thereof.'"

As printed in the RECORD the words "is used and occupied as a dwelling and" are omitted. I ask that the RECORD be corrected accordingly.

The SPEAKER. Without objection, the correction will be made.

Mr. MONDELL. Mr. Speaker, the amendment the gentleman refers to was sent to the desk in writing, was it not?

Mr. GOLDFOGLE. Yes. As I recall it, the words which I have indicated were contained in the amendment as sent to the desk. I have not the copy in my possession.

Mr. MONDELL. When a gentleman sends his amendment to the desk in writing, he ought to abide by it, and the RECORD should not be changed afterwards, at least without the change being presented in writing, so that we may all understand it. The amendment was offered in writing and was voted on. Now, if the gentleman did not present it in writing in the form in which he intended to present it, that is the gentleman's fault. The House voted on an amendment in writing as the gentleman himself sent it up. I do not think the RECORD should be changed by unanimous consent.

Mr. GOLDFOGLE. May not this have been a typographical error, which I think it was?

Mr. MONDELL. If the gentleman made that error—

Mr. GOLDFOGLE. I do not think I did; but, of course, I have not the copy of the amendment before me.

Mr. MONDELL. That side of the House the other day refused to allow the gentleman from Iowa [Mr. Goon] to amend what was manifestly an inadvertence in offering an amendment. Now, the gentleman wants to change an amendment that was sent up in writing and voted on, and I do not think that change should be made by unanimous consent.

Mr. GOLDFOGLE. I apprehend the gentleman is mistaken as to the situation. A few words are left out of the amendment as it is printed in the RECORD. The gentleman speaks of my amendment being sent to the desk. I have stated that the error occurred in omitting these words, and I suppose it was in setting up the type in the Government Printing Office. That is the way I presume it came about. It is purely typographical.

Mr. MONDELL. Mr. Speaker, if the gentleman has his original amendment, and it is not printed in the RECORD as it was written by him, then it is entirely proper that the RECORD should correspond with the amendment, but the gentleman has not his original amendment.

Mr. GOLDFOGLE. Of course I have not the original with me now. The gentleman knows that.

Mr. MONDELL. The gentleman has not examined the original, as far as we know.

Mr. GOLDFOGLE. I have not, but I remember the words of it.

Mr. MONDELL. For the present I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TAYLOR of Arkansas, indefinitely (at the request of Mr. WINGO).

PROHIBITION.

The SPEAKER. Under the rule, the House will resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the prohibition bill, H. R. 6810.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. How does the Speaker get around the positive provision of the rule in section 732:

On days when it shall be in order to move to suspend the rules the Speaker shall, immediately after the approval of the Journal, direct the Clerk to call the bills which have been for three days upon the Calendar for Unanimous Consent.

The SPEAKER. The Chair thinks that the special rule under which the House has been working suspends all the regular days except Calendar Wednesday. The Chair has so ruled.

Mr. CLARK of Missouri. My only object in making the inquiry is that I do not want the House to get in the habit of dispensing with the Calendar for Unanimous Consent. I think that is one of the best rules ever adopted by the House.

The SPEAKER. The gentleman from Iowa [Mr. Goon] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the prohibition bill, H. R. 6810, with Mr. Goon in the chair.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee if he would have any objection to an amendment permitting the delivery of these liquors for medicinal and scientific purposes to officials of the several States. A great many States have independent chemical laboratories conducting experiments on the same line as that done by the department here in Washington.

Mr. VOLSTEAD. I think that will all be taken care of under Title III. I intend to offer an amendment to that title for that purpose, so as to permit the States or their agents to obtain the alcohol.

Mr. WALSH. Well, Mr. Chairman, I direct the gentleman's attention to the fact, which, of course, he appreciates, that upon application of the United States attorney the liquors are delivered to some department or agency of the United States Government free of cost. Is there any objection to permitting them to be delivered to some department or agency of the States free of cost, or must they purchase them the same as an individual?

Mr. VOLSTEAD. I think they should purchase them.

Mr. WALSH. Though the liquor is seized in the States?

Mr. VOLSTEAD. Yes. I think so, because these liquors are forfeited to the Federal Government and belong to it just as much as any other property. I think such a provision as that suggested would work more or less discrimination; some States would be favored while others would not.

Mr. GARD. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

Page 27, line 5, after the word "Government," insert "or the several States or in the District of Columbia."

Mr. GARD. Mr. Chairman, section 28 was incorporated in the bill to carry out the provisions of an act of Congress heretofore passed providing that instead of stores of illegal liquors seized being destroyed or being mandatory to destroy it might be rectified and converted into industrial alcohol and applied to some legal use. It seems to me that in the extension of this power to any department or the agency of the United States Government we might likewise under the proper care, with the approval of the United States attorney, give this liquor for mechanical, scientific uses to the laboratories and colleges in the States and in the District of Columbia.

My amendment has no other purpose except to extend to the laboratories of all educational institutions the right to procure at little or no cost this particular sort of merchandise that can be used to advantage in their researches in chemical development and laboratory work.

Mr. VOLSTEAD. This provision was drawn, as I am informed, by the Commissioner of Internal Revenue, with the exception of the last two lines. The provision which the gentleman seeks to insert will be taken care of in Title III. I have an amendment for that purpose that has likewise been drawn by the revenue department. It seems to me that we had better insert it there. This section is designed to get rid of liquor taken from persons arrested.

Mr. GARD. The gentleman says he has a similar amendment that he will offer in Title III. Does not the gentleman think this amendment should be included here so as to preserve the harmony of these two sections?

Mr. VOLSTEAD. No; because this has no proper relation to that subject. This gets rid of liquor that has been seized from some lawbreaker. It seems to me this should go to the Federal Government and should not be parceled out between the States, because that would give rise to discrimination and favoritism which we ought not to authorize. Under the bill as it reads I believe all the parties provided for in the amendment can get liquor tax free except the States. We will remedy that by putting in an amendment at the proper place that the Collector of Internal Revenue has suggested.

Mr. GARD. The gentleman will agree with me that State colleges should have the benefit of this supply of alcohol which might be used for scientific and mechanical purposes.

Mr. VOLSTEAD. The State colleges would not want it because this is not pure alcohol. This would be whisky, wine, and beer.

Mr. GARD. But if it can be used after rectification they ought to have the privilege.

Mr. VOLSTEAD. This is liquor that has been seized because it was being sold or to be sold in violation of law. It is not the alcohol that these institutions care for, it is whisky or other intoxicating beverages.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. In the debate on this bill some criticism was made as to the enforcement of the law in the State of Virginia. The

matter referred to in debate has been made the subject of official investigation, and I think it only fair to the State and the prohibition officers that their review of the matter should be made a part of the Record. I ask unanimous consent to extend my remarks in the Record by incorporating the statement of the prohibition commissioner and the evidence on which it is founded.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the Record by inserting the matter referred to.

Mr. HARRISON. It is merely an investigation made by the State of Virginia in respect to the alleged search of women's wardrobes and other things. Here is the official record, which I desire to place in the CONGRESSIONAL RECORD, in contradiction of statements made on the floor of the House.

The CHAIRMAN. Is there objection?

Mr. DYER. Mr. Chairman, reserving the right to object, will the gentleman state if he desires to insert it in the day's proceedings of the House or in the back of the Record?

Mr. HARRISON. I do not care where it is inserted, so long as it goes into the Record.

Mr. DYER. If the gentleman will make his request that it is to go into the back part of the Record in extension of remarks, I shall not object.

Mr. HARRISON. Yes.

Mr. DYER. So that it will not appear in the proceedings of the day.

Mr. WALSH. Mr. Chairman, I object. We can not have all these prohibition documents printed.

Mr. HARRISON. These are affidavits of the men in charge of the train, of the people whose baggage was alleged to have been searched, and the statement of the prohibition commissioner and of the railroad directors.

Mr. WALSH. They all deny the statements made?

Mr. HARRISON. They say they were not true, and they state what the facts are.

Mr. WALSH. I object.

The CHAIRMAN. Objection is heard, and the Clerk will read.

The Clerk read as follows:

SEC. 29. That the commissioner, his assistants, and all other officers of the United States whose duty it is to enforce criminal laws shall have all the power and protection in the enforcement of this act or any provisions thereof which is conferred by law for the enforcement of existing laws relating to the manufacture or sale of intoxicating liquors under the law of the United States.

Mr. SMALL. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman some questions. Section 29, which has just been read, uses the following language:

That the commissioner, his assistants, and all other officers of the United States whose duty it is to enforce criminal laws shall have all the power and protection in the enforcement of this act—

And so forth. The description of the kind of officers is embodied in the words "whose duty it is to enforce criminal laws." What is meant by that phrase? Does that refer to those who have judicial power alone, or to the process officers, or both, or neither? It seems to me that the language "whose duty it is to enforce criminal laws" is too general where it attempts to describe the class of officers to whom the power is given.

Mr. VOLSTEAD. I think not. I do not think it could possibly apply to the court.

That the commissioner, his assistants, and all other officers of the United States whose duty it is to enforce criminal laws—would be the class enumerated.

Mr. SMALL. Will the chairman indicate what officers of the United States are included in that language?

Mr. VOLSTEAD. The United States attorneys, United States Attorney General, the assistants, the marshals, the deputy marshals.

Mr. SMALL. Then, in the opinion of the chairman, it includes the prosecuting and the process officers of the Department of Justice only?

Mr. VOLSTEAD. Certainly; that class of officers that has been enumerated, and no others have been enumerated.

Mr. GARD. Mr. Chairman, I offer to amend, on page 27, line 12, by inserting after the word "assistants" the words "agents and inspectors."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 27, line 12, after the word "assistants," insert the words "agents and inspectors."

Mr. VOLSTEAD. Mr. Chairman, I accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 30. That any person who manufactures intoxicating liquor, or any wholesale or retail druggist or pharmacist who sells liquor in violation of this title, shall for a first offense be fined not more than \$1,000 or imprisoned not exceeding six months, and for a second or subsequent offense shall be fined not less than \$200 nor more than \$2,000 and be imprisoned in the penitentiary not less than one month and not more than five years.

Any person violating any of the provisions of this title, or the provisions of any permit, or making any false record, report, or affidavit for which a special penalty is not prescribed shall be fined for a first offense not more than \$500; for a second offense not less than \$100 nor more than \$1,000, or be imprisoned not more than 90 days; for any subsequent offense he shall be fined not less than \$500 and be imprisoned in the penitentiary not less than 3 months and not more than 2 years. It shall be the duty of the prosecuting officer to ascertain whether the defendant has been previously convicted and to plead the prior conviction in the affidavit, information, or indictment.

Mr. VOLSTEAD. Mr. Chairman, on page 27, line 22, I move to strike out the word "imprisonment" and insert the word "imprisoned."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 27, line 22, after the word "or," strike out the word "imprisonment" and insert in lieu thereof the word "imprisoned."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. And on page 28, line 11, strike out the words "and not" and insert the word "nor."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 28, line 11, strike out the words "and not" and insert in lieu thereof the word "nor."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. Does not the chairman desire to offer a similar amendment to line 2 on page 28?

Mr. VOLSTEAD. Mr. Chairman, I move to strike out the words "and not" in line 2 on page 28 and insert the word "nor."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 2, strike out the words "and not" and insert in lieu thereof the word "nor."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I move to strike out the last word to call the attention of the committee to the words "wholesale or retail" in line 20. Should not that be stricken out, so that it will leave it "druggist or pharmacist who sells liquor," and so forth?

Mr. VOLSTEAD. We deal with the wholesaler and the retailer, but we specify that the retailer must sell through a pharmacist, and a license is issued to the retail druggist, but the license must specify that the pharmacist is authorized to sell.

Mr. RAKER. The gentleman thinks this would catch the one as well as the other?

Mr. VOLSTEAD. Yes.

Mr. RAKER. The druggist as well as the pharmacist.

Mr. VOLSTEAD. The permit governs that fact; it governs the sale, the method by which the druggist can sell.

Mr. RAKER. My only purpose was to be sure that the provision included the druggist retailer and the pharmacist as well.

Mr. VOLSTEAD. I think it does.

Mr. BLAND of Missouri. I want to ask the chairman a question in reference to section 30, line 21, after the words "who sells liquor." The term "liquor" in Title II is defined to be "any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing one-half of 1 per cent or more of alcohol by volume which are potable and capable of being used as a beverage." Now, should there not be inserted in fairness after the word "liquor" the words "as a beverage in violation of this title"?

Mr. VOLSTEAD. No. We expressly except certain industrial articles. We give power to make those and then say that if they are made in accordance with the descriptions and limitations which we specify they are not subject to the provisions of this bill. Consequently it is not necessary to insert those words. We prohibit the sale of all liquors except nonbeverage liquors and expressly provide that nonbeverage liquor may be sold.

Mr. BLAND of Missouri. The title provides that liquor shall not be sold containing one-half of 1 per cent of alcohol by

volume. Now, if the retailer sells this, whether it is to be used as a beverage or not, would he not be guilty?

Mr. VOLSTEAD. No. If he sells it for beverage purposes, he is guilty. But we provide the method by which he can obtain a permit either to manufacture or sell nonbeverage liquor legally. There is no necessity of inserting that at all, and it would simply tend to confusion.

Mr. GARD. Mr. Chairman, I desire to offer an amendment by inserting the word "intoxicating" before the word "liquor" in line 21, page 27.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GARD: Page 27, line 21, before the word "liquor" and after the word "sells" insert "intoxicating."

The question was taken, and the amendment was rejected.

Mr. SAUNDERS of Virginia. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee a question. At the top of page 28 I see it is provided that upon conviction under circumstances recited in that connection they shall be imprisoned "in the penitentiary not less than one month." You do not want the words "in the penitentiary" there.

Mr. VOLSTEAD. No; I do not think they ought to be there.

Mr. SAUNDERS of Virginia. Mr. Chairman, I move to strike out in this connection the words "in the penitentiary," so that it will read: "Be imprisoned not less than one month," and so forth.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SAUNDERS of Virginia: Page 28, line 1, strike out "in the penitentiary."

The question was taken, and the amendment was agreed to.

Mr. SAUNDERS of Virginia. Now, Mr. Chairman, I offer a like amendment in line 10, which makes it symmetrical.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SAUNDERS of Virginia: Page 28, line 10, strike out the words "in the penitentiary."

The question was taken, and the amendment was agreed to.

Mr. GARD. Mr. Chairman, on page 28, line 2, I move to strike out the word "ascertain" and insert the words "seek information."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 28, line 2, strike out the word "ascertain" and insert in lieu thereof the words "seek information."

Mr. GARD. Mr. Chairman, this says that it shall be the duty of the prosecuting attorney to ascertain whether the defendant has been previously convicted. It seems to me it places a duty upon the prosecuting officer which may in fact be impossible. All that you can reasonably expect him to do is to seek information as to whether or not there has been a previous violation or a previous conviction.

Mr. BARKLEY. No; the thing is to have the information, and unless he ascertains that there were previous convictions how can he convict as charged in the indictment—

Mr. GARD. If he gets the information, let him put it in there. The word "ascertain" may require an impossibility.

Mr. BARKLEY. But he can not find out.

Mr. GARD. The word "ascertain" means to impose a duty which he may not be able to perform. If he seeks information and gets it, that is all we ought to require the prosecuting officer to do. In other words, down in your State if you say it is the duty of the prosecuting officer to ascertain if a man was convicted of burglary it may be impossible to ascertain that, but he might have been convicted, and if he had been convicted and it was not ascertained it might be held to be a breach of duty, whereas all we can reasonably expect a man to do is to seek information along that line and incorporate it in his legal pleading.

Mr. BARKLEY. No; this is supposed to be an indictment.

Mr. GARD. Well, an indictment is a legal pleading.

Mr. BARKLEY. But under the gentleman's amendment all he would have to do would be to "seek information," and whether he found or not he could plead he had been previously convicted?

Mr. GARD. No. My purpose is to get the information and put it in the indictment.

Mr. BARKLEY. Yes; and he has to put it in the indictment in order to be convicted by reason of this previous conviction and can restate it afterwards. Under this language as it is now he has to ascertain that fact. He can not charge a previous conviction unless he ascertains that there has been previous

conviction, and if the gentleman's amendment is agreed to he can seek information, and whether he finds it or not he can charge the man with being previously convicted.

Mr. GARD. Oh, no; I do not think you can fairly assume that a prosecuting officer would put something in the indictment that he could not prove.

Mr. BARKLEY. I do not think he would do it, but he could do it.

Mr. GARD. I do not think the gentleman's contention is reasonable. I think my amendment is eminently proper from a legal standpoint.

Mr. BEE. After the word "and," in line 13, are the words "to plead the prior conviction." In other words, I read it in this way, that if he ascertains he is to plead it.

Mr. GARD. That is in there once. I think it is already covered.

Mr. BOIES. Will the gentleman yield for a question?

Mr. GARD. Surely.

Mr. BOIES. It is the law in some States, I know, that you must plead a prior conviction in order to be able to introduce any testimony upon that allegation.

Mr. GARD. Yes; I think so.

Mr. BOIES. Now, the duty that is cast upon the man is the same as the duty that is cast upon a prosecuting officer to perform his duty. We certainly do not insure that he will do all the things that some other man did, but that he shall be faithful.

Mr. GARD. I am sure the gentleman will agree with me, since he is a very eminent lawyer and has long ornamented the bench in his State—

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

The question was taken, and the amendment was rejected.

Mr. VOLSTEAD. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this section and amendments thereto be now closed.

The motion was agreed to.

Mr. LANKFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANKFORD: Page 28, line 13, after the word "convicted" insert "or has plead guilty"; and on page 28, line 13, after the word "conviction" insert "or plea of guilty."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. LANKFORD].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 31. That in addition to the penalties imposed by this act for the violation of any of its provisions the court may, in its discretion, after conviction, require the defendant to execute a bond with security approved by the court in a penal sum of not less than \$500 nor more than \$5,000, conditioned that he will not violate any of the provisions of this act for the term of one year. And if said bond shall not be given the defendant may be committed to jail until it is given or until he is discharged by the court, provided he shall not be confined for a longer period than six months.

Mr. JOHNSON of Kentucky and Mr. GARD rose.

The CHAIRMAN. The gentleman from Ohio [Mr. GARD] is recognized.

Mr. GARD. I move to strike out section 31.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Strike out section 31.

Mr. GARD. Mr. Chairman, this section contains the very unique proceeding that after a man is convicted and after he has received the punishment for the conviction, that in the discretion of the court he may be required to enter upon a security which may not be more than \$5,000, and if he can not give that bond he shall be committed to jail until it is given or until he is discharged by the court, provided he shall not be confined for a longer period than six months.

I have been trying so far as I can to call the attention of the members of this committee, and through the members of this committee the Members of the House, who are endeavoring to make a bill for the enforcement of war-time and constitutional prohibition, to what is contained in the bill. I do not think there has been a very general understanding of that which has been contained in the bill, nor do I think there has been afforded opportunity to discuss matters which are entirely new and which the membership of the committee and of the House should know. And I am sure, too, that nobody will ever advance the proposition in any State or in any country that after a man is

convicted and you sentence him to six months in a prison, for illustration, if he happens to be poor and some arbitrary judge requires a bond of \$5,000, that then you can keep him in jail for six months longer than his term of conviction.

Mr. Chairman and gentlemen of this committee—

Mr. BUTLER. Did not the gentleman help to frame this bill?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Pennsylvania?

Mr. GARD. I yield to the gentleman from Pennsylvania.

Mr. BUTLER. Thank you. What is the idea of this double punishment?

Mr. GARD. I have not the slightest idea what it is.

Mr. BUTLER. What was the argument in favor of it?

Mr. BLANTON. Will the gentleman from Ohio yield?

Mr. GARD. I desire to reply to the gentleman.

Mr. BLANTON. A good answer is that it is to enforce this law.

Mr. GARD. I will state to the gentleman from Pennsylvania I do not know whence this came, but I do say, in addition to what the gentleman from Pennsylvania has called the "double punishment," which is more than that, that it punishes a man not for violating the law, but it punishes him for being poor. In other words, if a man is rich and he commits a crime under this act, and the judge says, "You shall give a bond," the man can give a bond and be discharged, but if a man is poor and he can not give a bond for \$5,000, the judge will say, "You go to jail. I have sentenced you to jail for six months or a year, and if you can not give this bond for \$5,000 you are to stay in jail for six months longer."

Mr. McPHERSON. Will the gentleman yield?

Mr. GARD. I will.

Mr. McPHERSON. I will ask if the law has not another vicious provision, and that is that it delegates to the judges the power to legislate? That is, the additional penalty that is provided is not one that Congress provides shall obtain in every case, but it will be a part of the penalty provided that the judge can apply to the offender. And is it not vicious in that it delegates to the judicial department by Congress the power to add to the penalties provided in this act?

Mr. GARD. I do not object to the passing by Congress of laws affording wise discretion to the United States courts. I think the court should have abundant power to afford proper sentence, and I would in no way restrict their discretion. But what I am trying to get at is that this act is a double punishment and, in fact, punishes a man one time because he has committed the act, and you fine him and imprison him, and in the same breath you fine him and imprison him because he is poor and can not give a bond.

The bond required is not that the defendant do not repeat the act for which he was convicted but is a bond upon an order restraining him from any violation of this act. It would be impossible for any man, unless he be a rich malefactor, to give such bond.

Mr. FOSTER. As a matter of fact is not this what it does—

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARD. Mr. Chairman, inasmuch as the matter ought to be discussed, I ask that I have five additional minutes given to me for the purpose of answering questions.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. FOSTER. The question I wanted to ask was this, in view of the question propounded by the gentleman from Pennsylvania [Mr. BUTLER]: Instead of being a double penalty here, is not this what it is? When he is found guilty, the judge who finds him guilty, with all the facts before him, in his discretion may require him to give bond, and then if he fails to give bond he shall go to jail not exceeding six months. If that is the provision there are no two penalties imposed for the same offense. The judge in his discretion is to do this, and that may include consideration of the fact that he is poor and unable to give bond.

Mr. GARD. The gentleman does not read the first line in reference to the penalties proposed by this act.

Mr. FOSTER. Yes; I have read the first line.

Mr. GARD. He is first sent to jail, and under this bill he will get six months longer.

Mr. FOSTER. That is because he is liable to commit the offense again.

Mr. GARD. That is what I object to, giving such arbitrary discretion to any court.

Mr. FOSTER. The judge can consider the fact that the man is poor, and he therefore imposes imprisonment in lieu of a

bond. Last week the gentleman was against the imposition of a bond. Now the gentleman is against giving the court any discretion.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. HUSTED. Is not the judge required to impose a penalty under section 30?

Mr. GARD. Yes.

Mr. HUSTED. Now, under section 31, in addition to the penalty he is compelled to impose under section 30, he has to impose these additional penalties, which may be 30 days' confinement in jail if he happens to be poor?

Mr. GARD. Yes. He imposes a fine of \$5,000, and if the man is poor and can not give bond he must stay in jail in lieu thereof for a period not exceeding six months.

Mr. CURRIE of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield to me?

Mr. GARD. I will yield first to the gentleman from Virginia.

Mr. MOORE of Virginia. I only wanted to point out to the gentleman from Ohio this fact, that the original conviction may carry a punishment of confinement for only one month.

Mr. GARD. Yes.

Mr. MOORE of Virginia. And when the judge comes to exercise his discretion, because of the man's failure to give bond, he may imprison him six times as long as the original sentence.

Mr. GARD. Yes. That is true.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. WALSH. Does the gentleman think that anybody who will be punished under the provisions of section 30 has any rights that a court or anybody else is bound to respect?

Mr. GARD. Well, I am seeking to make this bill a proper bill so far as I can.

Mr. JEFFERIS. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. JEFFERIS. Would not this constitute a "cruel and unusual punishment," as defined by the Constitution, to permit people to be sentenced in that way in the discretion of the court?

Mr. GARD. It would be a most "unusual" punishment. Whether or not it would be "cruel" I would not undertake to say. But it is improper, at any rate, in that it penalizes a man not for doing an unlawful thing but for being poor.

Now, I will yield to the gentleman from Michigan [Mr. CURRIE], a member of the committee.

Mr. CURRIE of Michigan. The suggestion I wanted to make to the gentleman was this, that it may carry out the probationary idea; that the judge might desire to fine him a dollar or imprison him a single day. He puts him under bond that he will not violate the provisions of this title, or if he did—

Mr. GARD. There is no probation about it, because it provides that the court has to sentence him; that he may say on top of that, as the gentleman from Virginia [Mr. MOORE] well said, "I will sentence you to jail for 30 days, and require a bond for \$5,000, and in default sentence you anew to imprisonment for six months."

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more. I want to ask him a question.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from Ohio [Mr. GARD] may proceed five minutes more. Is there objection?

Mr. VOLSTEAD. I object.

The CHAIRMAN. Objection is made. The gentleman from Minnesota is recognized.

Mr. VOLSTEAD. Mr. Chairman, this is rather a strange attitude for gentlemen to take. This provision is intended to give the court a chance to impose a light penalty. This bond can only be required at the time when sentence is imposed. It must be at that time, because after the man has been sentenced a court can not impose additional penalties; that is a familiar rule of law.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. No; I can not yield. In section 30, that contains most of the penalties, there are no minimum penalties for the first offense. If a man comes before the court for sentence for such an offense it can impose a fine of a dollar; if he did so the chances are that the man would go on and repeat the offense. But the court can say to him, "Here you pay a dollar and give this bond and go free; otherwise I will have to impose a heavier penalty." Instead of this being harsh and cruel treat-

ment, as has been suggested, it enables the court to avoid anything harsh.

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield for a question?

Mr. VOLSTEAD. Yes.

Mr. GOLDFOGLE. The gentleman said that the penalty, or rather the requirement of the bond, provided for in the section must be made at the time the sentence is imposed—the original sentence.

Mr. VOLSTEAD. Yes.

Mr. GOLDFOGLE. Now, may I call the attention of the gentleman from Minnesota, the chairman of the Committee on the Judiciary, to this: In the old case of *Leidey* against *Benedict*, as I recall, in the State of New York, the judge, after the sentence had been served and the man had undergone a long term of imprisonment, then sentenced him anew. It is true that in the action for false imprisonment the court held that the judge had no right to do that, but also held that the judicial cloak protected the judge from having done this very unlawful and improper act.

Mr. VOLSTEAD. Oh, I do not yield further. I did not yield to the gentleman for a speech but for a question.

Mr. GOLDFOGLE. I ask the gentleman, in view of that decision, does he still insist—

Mr. VOLSTEAD. I have only five minutes. The gentleman is making a speech in my time.

The CHAIRMAN. The gentleman declines to yield.

Mr. VOLSTEAD. I want the House to understand this provision. It is perfectly plain. It is not intended to have the effect that has been suggested. On the other hand, it will serve the opposite purpose. It will relieve the court from the necessity of imposing a heavy penalty.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. I yield to the gentleman from Pennsylvania.

Mr. BUTLER. It would seem to me it would be a very good provision if, instead of the words "in addition to the penalties imposed by this act," it contained the words "instead of the penalties imposed by this act," so as to leave it in the discretion of the court either to send the man to jail or to put him under bond.

Mr. VOLSTEAD. In section 30, the section just preceding this, which covers most of the penalties for a first offense, there is no minimum penalty, and consequently the man might be fined a dollar and required to give a bond.

I move that all debate on this section and all amendments thereto be now closed.

Mr. SANDERS of Indiana. I move to amend the gentleman's motion by making it 10 minutes.

The CHAIRMAN. The gentleman from Indiana moves to amend the motion of the gentleman from Minnesota by making it 10 minutes. The question is on the amendment of the gentleman from Indiana.

The question being taken, on a division (demanded by Mr. SANDERS of Indiana) there were—ayes 58, noes 54.

Accordingly the amendment was agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota [Mr. VOLSTEAD] as amended.

The motion as amended was agreed to.

The CHAIRMAN. The gentleman from Indiana [Mr. SANDERS] is recognized for five minutes.

Mr. SANDERS of Indiana. Mr. Chairman, I am in favor of this motion to strike out this paragraph. I want this prohibition bill to be such a bill that a Member of this House who believes in prohibition, and at the same time believes in ordinary American justice, may in good faith vote for it. In the consideration of this bill many of the Members who believe in prohibition have been permitting sections to go by which contained provisions in which they did not believe, because they feared that their attitude might be construed as being opposed to drastic prohibition measures. I want to call the attention of this House to the fact that there is a difference between a drastic prohibition measure and a measure which does not safeguard the ordinary rights of an American citizen. Some sections which have already been adopted do not safeguard such rights. This provision reminds me somewhat of the Chinese Code, which contains this provision:

Whoever is guilty of improper conduct and such as is contrary to the spirit of the law, though not a breach of any specific part of it, shall be punished with at least 40 blows, and when the impropriety is of a serious nature, with 80 blows.

I call the attention of the committee to the fact that this section is not limited to violations of the provisions of the former section, but it says:

That in addition to the penalties imposed by this act for the violation of any of its provisions.

Think of it! In ordinary criminal jurisprudence the only time we require a defendant to give bond to prevent him from committing a crime is in the case where there is danger of a breach of the peace or something of that sort, and then only after trial; but in this case a man may be carrying some liquor in an automobile in violation of this law; he may be prosecuted and given the limit for that; his automobile may be taken from him and sold; he may be enjoined from further commission of crime under this act, and for some violations of that he may be tried and punished by a judge without a jury; and then, after that, in addition to the penalties therein provided, he may be sentenced under this section to imprisonment for the period of six months. And what is that based upon? Gentlemen, it is based upon this and nothing else: A is haled before the bar of justice, and the judge says, "I think you are going to continue to violate this law." B is haled into court under the same circumstances. A says, "Your honor, I can not give bond." B says, "I can give bond." A is sent to jail for six months, and B gives bond and goes free; not because A is guilty and B is not, but because, both being guilty, A can not give the bond that B can.

Mr. FOSTER. Will the gentleman yield for a question?

Mr. SANDERS of Indiana. No; I can not. The provision says:

And if said bond shall not be given, the defendant may be committed to jail until it is given or until he is discharged by the court.

Now, if A and B are both sent to jail, and A's friends get together and get him a bond, he is out in a week; but B, not having the standing to secure a bond, he must go on and serve six months in jail. Why? Not because the offense is different in the case of A and B, but because B is not able to get the bond.

Gentlemen, I think when provisions of the law do not give equal justice to the citizens of this Republic, notwithstanding any criticism that may be launched at us, notwithstanding any false claim that may be made that we are not in favor of drastic prohibition laws, we ought to stand up and oppose those unjust provisions [applause], not because we are opposing drastic prohibition, but because this Congress ought to stand for the liberties of the American people—not the liberty to get drunk, because I do not believe in it. I believe in punishing and preventing drunkenness; but this Congress ought to stand up for the ordinary right of the citizen to be tried before a jury, if it is a jury case, or in any event to have a trial and to have equal punishment, irrespective of poverty, meted out to those who are equally guilty. [Applause.]

Several Members addressed the Chair.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] was on his feet first, and the Chair recognizes him.

Mr. RAKER. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Under the rule—

Mr. DYER. Mr. Chairman, I have the floor, and I refuse to yield.

The CHAIRMAN. The gentleman from California will state his parliamentary inquiry.

Mr. RAKER. Under the rules and under the practice the Chair always recognizes the members of the committee, and I think properly so. Now, the only way a Member can get recognition here is by moving for time beyond that which is limited when debate is closed.

Mr. DYER. I make the point of order that that is not a parliamentary inquiry.

The CHAIRMAN. The Chair sustains the point of order on the parliamentary inquiry. The gentleman from Missouri [Mr. DYER] is recognized.

Mr. DYER. Mr. Chairman, if it is agreeable, and there is no objection, I want to yield a part of my five minutes to two gentlemen who have asked to be heard.

The CHAIRMAN. Is there objection to the gentleman from Missouri yielding a part of his five minutes?

Mr. KEARNS. Mr. Chairman, is the time limited to five minutes?

The CHAIRMAN. The time is limited to 10 minutes, and 5 minutes have been occupied.

Mr. DYER. It has been limited, and I will yield a part of my five minutes to two gentlemen.

Mr. RAKER. Reserving the right to object, there can not be any yielding of a part of the five minutes unless I am given two and a half minutes.

The CHAIRMAN. The gentleman from California objects.

Mr. DYER. Mr. Chairman, I desire to speak in favor of the retention of this section. It is very important if we enact a law to enact one that will be effective. We are going to have our greatest difficulty when national prohibition becomes a law to prevent the commission of offenses under it. One of these crimes

that we want to stop, if we are truly and sincerely in favor of making it effective, is bootlegging.

Mr. RAKER. Will the gentleman yield?

Mr. DYER. No; I will not. This section has for its purpose, and its only purpose, the punishment of those who violate the law in selling and manufacturing intoxicating liquors. That is bootlegging; that is what is going on now in many of the so-called prohibition dry States. We do not want that in the States now which are in favor of liberalizing with reference to intoxicating drinks.

We in our State and in our city are going out of the wet business in good faith. [Applause.] We propose to see that the law is not violated in our State or in our city, as it has been all through the dry States for years. Bootlegging, the illicit manufacture and sale of the worst kind of whisky, is what is causing all the trouble. It is not light drinks, it is not beer, it is not wine, that is doing the harm; the harm in the dry States is the manufacture and retail of moonshine and the like, and the disposal of it illegally wherever they can sell it. Those engaged in that business deserve to be punished, and in order to stop it while the court proceedings are going on they should give bond, and in every way should give ample security that they will not defy the law.

If people want prohibition as strongly as claimed, let us have it in good faith and in spirit and in letter.

Personally I do not believe that they want prohibition, but we have voted for it in the legal manner. Under the Constitution we are to have prohibition, and whether right or wrong, Mr. Chairman, it is the law of the land, and we intend if we can in this Congress and in this country to see that laws are enacted that will prevent its violation.

I am, as everybody in this House knows, opposed to prohibition, but I am here to work as best I can to enact a law that will make it possible to enforce the law enacted under this prohibition amendment to the Constitution.

I feel that it is our bounden duty to stand by this provision. I do not want to see men prosecuted, but unless they are willing to obey this law in every respect they deserve to be punished.

Mr. VARE. Will the gentleman yield?

Mr. DYER. Yes.

Mr. VARE. Does not the gentleman feel that this law means one sort of punishment for the rich and another for the poor? Here you have two men before the bar, one is wealthy and the other poor, one is able to give a bond and the other is not able to give a bond.

Mr. DYER. No bond is required for a man who will obey the law. [Laughter.]

The CHAIRMAN. The time of the gentleman from Missouri has expired and all time has expired.

Mr. CURRIE of Michigan. Mr. Chairman, I have a perfecting amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 28, line 18, strike out the word "security" and insert in lieu thereof the word "surety."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Ohio to strike out the section.

The question was taken; and on a division (demanded by Mr. GARD) there were 73 ayes and 67 noes.

Mr. VOLSTEAD. I demand tellers, Mr. Chairman.

Tellers were ordered, and the Chair appointed as tellers Mr. VOLSTEAD and Mr. GARD.

The committee again divided; and the tellers reported that there were 83 ayes and 66 noes.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 34. That in any affidavit, information, or indictment for the violation of this act, separate offenses may be united in separate counts and the defendant may be tried on all at one trial and the penalty for all offenses may be imposed. It shall not be necessary in any affidavit, information, or indictment to give the name of the purchaser or to include any defensive negative averments, but it shall be sufficient to state that the act complained of was then and there prohibited and unlawful.

Mr. GARD. Mr. Chairman, I desire to offer some amendments to section 34.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 29, line 25, after the word "trial," insert the words "unless he demands a severance."

Mr. GARD. Mr. Chairman, this section 34 provides for a new form of pleading in this class of cases which does not exist in any other sort of a case in any criminal statute of the United

States. It provides that separate offenses may be united in separate counts, and the defendant may be tried on all at one time.

It affords him no opportunity to demand a severance, no opportunity to have a separate trial upon any one charge, and it provides for a cumulative punishment. In other words, you try him for three different charges in one affidavit of information or indictment and find him guilty of all of them, and instead of imposing a punishment for one you impose a punishment for three. This particular section also provides that in this pleading, and it is a legal pleading, it shall not be necessary in the indictment to give the name of the purchaser or to include any defensive negative averments, but it shall be sufficient to state that the act complained of was then and there prohibited and unlawful, so that what we are endeavoring to do now is to so amend the criminal indictment procedure of the United States to say something like this:

United States of America.

A certain person represents and says that he complains against John Jones and says that a particular act was then and there prohibited and unlawful—

Without regard to the time, without regard to what it was, the particular nature of the charge, or anything which the Anglo-Saxon people have been proud to believe guaranteed their right against illegal persecution. In other words, we have heretofore said that no man shall be put upon trial for his liberty unless he be advised of the charge against him. That is a constitutional provision, at least it was until this particular act comes along, and now we attempt to say that instead of advising a man of what his offense is, it shall be sufficient to say that the act complained of was then and there unlawful and that these may be cumulative, you may add them together and pile them up on him, and not permit him to ask for a severance, or to require the prosecuting attorney to elect upon which of the charges he will proceed, or any of the things which we have so carefully safeguarded to every defendant down through the centuries since the English-speaking people have written law.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. VOLSTEAD. Mr. Chairman, I am surprised at the gentleman. He apparently has discovered something brand new. The fact of the matter is, the very thing he objects to is in the United States statutes to-day. It is a provision that has been in our statutes for many years. It is the constant practice in the United States courts to charge persons with different offenses in various counts contained in one indictment and cumulative punishments are imposed. As far as that feature of the bill is concerned there is nothing new in it at all. So far as this other matter is concerned, I may say that you need not always allege negative, defensive matters, it is a general rule in criminal pleading that you must, and it is often difficult to determine when it is necessary and when not. Take my own State, for instance. We allege sale without a license. It is not necessary to prove that the offender did not have a license. If he sees fit to raise the question, he must produce that proof himself. That is a common rule in practically every State in reference to this same class of statutes. It is applying to the pleading the common-law rule as to proof. If it is not necessary to make proof, why should we make negative averment in the indictment? There is nothing revolutionary in this. Not even new.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. BEE. Do I understand the gentleman to assert that you may take under one indictment and set out in a separate count five or six separate and distinct offenses?

Mr. VOLSTEAD. Misdemeanors.

Mr. BEE. Misdemeanor offenses, and convict a man of all the separate offenses in one indictment?

Mr. VOLSTEAD. Yes.

Mr. BEE. And accumulate a punishment upon him?

Mr. VOLSTEAD. Yes; under our Federal statutes.

Mr. GARD. Where does the gentleman say it only applies to misdemeanors? It applies to any affidavit, information, or indictment.

Mr. VOLSTEAD. I am just told a man may be tried under existing laws for more than one felony in the same indictment.

Mr. BEE. That may be in the State of Kansas.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. McKENZIE. Is it not a fact that in all of the States where they have laws against the illegal sale of liquor, where a man has sold to perhaps 2 or 3 or 5 or 10 or 20 different people, all of those charges can be combined in one action?

Mr. VOLSTEAD. Certainly. You do not, as a rule, have to allege the name of the party to whom you sell nor specify each sale.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. BOIES. Mr. Chairman, I move to strike out the last word. I do not believe, Mr. Chairman and gentlemen, that it is possible for any man upon the floor of this House to camouflage his position upon this bill. He may ambush, but he can not camouflage. Now, with reference to the claim of the eminent attorney from Ohio that this section provides, in effect, that no time as to the commission of the offense is required to be stated in the information or indictment drafted under this law, the section itself deals with an affidavit, information, or indictment. A document that did not give the date or did not give the time and the place of the commission of the offense would not be an indictment, information, or an affidavit in a criminal proceeding, because the court would not know whether it had jurisdiction or not. So that every affidavit and every information and every indictment would be required to state under this law when and where the offense was committed in the first part of the instrument. It is well known, I think, by attorneys generally that in the enforcement of the liquor laws any number of offenses may be pleaded in one indictment, but in separate counts. If John Smith has sold whisky to 15 different men in one afternoon, why should this man, whom the gentleman undertakes to protect, have the privilege of casting upon the State or the United States the burden of trying him 15 times?

Mr. BEE. Will the gentleman yield for a question?

Mr. BOIES. Not now. Now, if he is charged 15 times the Government must prove him guilty beyond a reasonable doubt upon each count. It is in the discretion of the jury to say whether the Government has furnished sufficient testimony to satisfy the law on all the counts or not.

Mr. RAKER. Right there, will the gentleman yield for a question?

Mr. BOIES. Not now. The gentleman says it would prejudice the man. It would not prejudice the defendant unless the jury were satisfied that he was guilty under every count that they have introduced testimony upon. That is to say, if there were counts alleged which the jury did not believe had been sustained, beyond a reasonable doubt, they would not convict, and the defendant would not be prejudiced thereby. If he had violated the law in more than one particular he has prejudiced himself and should not be protected.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Chairman, I move that all debate on this section and all amendments thereto now close.

Mr. CRAGO. Mr. Chairman, I move to amend that by making it five minutes.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment that debate close in five minutes.

The question was taken, and the amendment to the motion was agreed to.

The question was taken, and the motion of Mr. VOLSTEAD as amended was agreed to.

Mr. CRAGO. Mr. Chairman, I may be old-fashioned and out of touch with the prevailing sentiment of this country when I express the belief that if we enact into law the present bill we are considering we are breeding a discontent and disrespect for law in this country beyond anything we have ever witnessed before, and I will say to you frankly I hope I may be mistaken in that belief. I sincerely hope I may be mistaken in it.

Realizing the fact that, in accordance with the manner provided by the Constitution, our country has adopted a constitutional amendment "prohibiting the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes," and realizing that some legislation may be necessary in order to give this amendment force and effect, I had hoped that the Judiciary Committee in their wisdom might bring to us an enforcement bill which all right-minded persons, not blinded by prejudice nor awed by the political power of the Anti-Saloon League, might support. In this hope I have been disappointed, and the discussion of the bill presented has developed enough to show us that no self-respecting person holding my views, interested only in seeing justice done and the real spirit of the constitutional amendment enforced, can support the measure now under consideration.

Only a blind follower of those who look on the proper use of any intoxicants by others than themselves as a crime can honestly support such a measure as we have before us at this time.

Many influences, some of them absolutely honest, have brought about the possibility of this constitutional amendment, but if anyone believes the American people will sanction such a carnival of inquisition as this bill proposes and would inevitably bring about, he is, in my opinion, very much mistaken.

The abolition of the use of intoxicants is a matter of education and proper and sane laws enforcing the constitutional amendment would, in my opinion, make it easy for the next generation to adapt itself to a diminished use of alcoholic drinks; yet, on the other hand, a law such as we have before us will inevitably breed resentment and fail to accomplish the very purpose which the vast majority of our people had in mind when they advocated and made possible the adoption of the constitutional amendment.

It had not been my intention to say anything during the consideration of this bill, but lest my motives in opposing the bill should be misunderstood I want to say here and now that I can not in good conscience vote for a bill which is little better than, and is a strong reminder of, the witch and heretic legislation of our early New England Colonies, and it is my opinion that the descendants of men who now blindly bow to the decree "support this or run the risk of the displeasure of the Anti-Saloon League" will wonder how their ancestors could have been so narrow and so weak as to attempt to fasten on a free people the left-over legal specimens of an almost forgotten and entirely discredited period in our history.

So far as the legal verbiage of the bill is concerned, it would do discredit to a beginner in the study of the subject of law. As it is presented before us for consideration it shows how arbitrary men can be when obsessed with the fanatical desire to enforce their own narrow wishes and prejudices and placate a power in politics which they fear.

It is no longer an answer to anyone who opposes legislation of this kind to say, "You are dominated by the liquor interests." There are but few such interests to-day, and the much over-estimated power of the so-called liquor interests in politics is to-day and, in my opinion, will for all time be a negligible force in our politics. But, regardless of where we may be classed, some of us can not see our way clear to join the procession of those who are always willing to be led by whatever fanaticism is uppermost in people's minds.

Some of the most apparent defects of the bill are the following:

First. It refuses the right of trial by jury guaranteed by the constitutions of the several States and the United States.

Second. It disregards property rights in attempting to fasten liens on property regardless of the manner provided by the laws of the several States and before judgment has been obtained.

Third. It extends the powers of the judiciary beyond anything ever attempted since the shameful days of Chief Justice Jeffreys in England.

Fourth. It sanctions the violation of the sacredness and sanctity of our homes and places our citizens at the mercy of any unscrupulous officer of the law or jealous neighbor, who for spite can invade any home without any reason and for any unlawful purpose.

Fifth. It makes crimes of the ordinary harmless housekeeping acts of nearly every family in our country.

These are only a few of the indictments I present against this measure. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman, can we have the amendment again reported?

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. GARD. Division, Mr. Chairman.

The committee divided; and there were—ayes 56, noes 68.

So the amendment was rejected.

Mr. DEMPSEY and Mr. IGOE rose.

The CHAIRMAN. The gentleman from Missouri [Mr. IGOE], a member of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. IGOE: Page 30, at the end of line 15, insert: "In any prosecution under this title for the unlawful manufacture, sale, transportation, importation, exportation, receipt, giving away, furnishing, possession, purchase, or use of liquor it shall be a complete defense, notwithstanding the definition of intoxicating liquor in section 1 of this title, if the defendant shall prove to the court, or to the jury in case of jury trial, that the liquor was not intoxicating in fact."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. VOLSTEAD. I raise the point of order that it is not germane to this section.

The CHAIRMAN. The gentleman from Minnesota makes the point of order that the amendment is not germane to the section. The Chair will hear the gentleman.

Mr. IGOE. All I have to say, Mr. Chairman, is that this section relates to the trial of offenses under this act, and that is all the amendment does.

Mr. VOLSTEAD. It does not deal with that matter. It deals with indictment and trial. There is nothing as to the evidence in here.

Mr. IGOE. This act does not deal with evidence to convict anybody.

The CHAIRMAN. The Chair is inclined to think the amendment is germane and overrules the point of order. The question is on the amendment of the gentleman from Missouri.

The question was taken; and the Chair announced that the yeas seemed to have it.

On a division (demanded by Mr. IGOE) there were—ayes 36, noes 78.

So the amendment was rejected.

Mr. DEMPSEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. GARD. Mr. Chairman, I desire to offer an amendment, but I will be very glad to yield to the gentleman.

The Clerk will report the amendment of the gentleman from New York [Mr. DEMPSEY].

The Clerk read as follows:

Amendment by Mr. DEMPSEY: Page 30, line 5, after the word "unlawful," strike out the period and insert a comma, and then insert "but this provision shall not be construed to preclude the trial court from directing the furnishing to the defendant a bill of particulars when he deems it proper to so do."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. DEMPSEY].

The amendment was agreed to.

Mr. GARD. Mr. Chairman, in the interest of orderly procedure, I move to strike out, after the word "trial," the words "and the penalty for all offenses may be imposed."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GARD: Page 29, line 25, strike out, after the word "trial," the words "and the penalty for all offenses may be imposed."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. GARD. Mr. Chairman, I also move to strike out, beginning on line 1, page 30, and commencing with the word "it," all the remaining language in the section.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 30, line 1, after the word "imposed," strike out the remainder of the paragraph.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 35. That after 10 days after the date when this act has become operative the possession of liquors by any person not legally permitted under this title to possess liquor shall be prima facie evidence that such liquor is kept for the purpose of being sold, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this title. Every person legally permitted under this title to have liquor shall report to the commissioner within 10 days after the passage of this act the kind and amount of intoxicating liquors in his possession. But it shall not be unlawful to possess liquors in one's private dwelling while the same is occupied and used by him only as his dwelling and such liquor need not be reported; *Provided*, The burden of proof shall be upon the possessor to prove that the liquor was lawfully acquired and possessed.

Mr. RAKER, Mr. RUBEN, Mr. WELTY, Mr. WALSH, and Mr. STEELE rose.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. STEELE] is recognized.

Mr. STEELE. Mr. Chairman, I offer an amendment.

Mr. VOLSTEAD. Mr. Chairman—

The CHAIRMAN. The gentleman from Minnesota [Mr. VOLSTEAD] was not on his feet, and the Chair recognized the gentleman from Pennsylvania [Mr. STEELE].

Mr. STEELE. I yield temporarily to the gentleman from Minnesota.

Mr. VOLSTEAD. Mr. Chairman, on line 6, page 30, strike out "10 days after the date when this," and on line 7 the word

"act has become operative," and insert in place of it "February 1, 1920."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. VOLSTEAD: Page 30, line 6, strike out the words "10 days after the date when this act has become operative" and insert in lieu thereof the words "February 1, 1920."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. Mr. Chairman, in line 14, page 30, strike out the words "the passage of this act" and insert in place of them "January 16, 1920."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. VOLSTEAD: Page 30, line 14, strike out the words "the passage of this act" and insert in lieu thereof the words "January 16, 1920."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. STEELE. Mr. Chairman, may I ask that my amendment be reported?

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 30, line 18, strike out the colon and the word "Provided," also lines 19 and 20, and insert the following: "nor shall the penalties provided in this bill against manufacturing liquor without a permit apply to a person for manufacturing nonintoxicating cider or fruit juices in his home for consumption by himself and his family, but such liquor, cider, and juices shall only be used for the personal consumption of the owner thereof and his family residing in such dwelling and of his bona fide personal guests when entertained by him therein, and the burden of proof shall be upon the possessor to prove that such liquor was lawfully acquired, possessed, and used."

Mr. WALSH. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BLANTON. I make the point of order, Mr. Chairman. [Laughter.]

Mr. WALSH. I withdraw my reservation.

The CHAIRMAN. What is the point of order?

Mr. BLANTON. It is not germane to the legislation; that the legislation merely seeks to extend the constitutional provision, this legislation being merely to carry out the provisions of the Constitution, and this seeks to extend it.

Mr. STEELE. Mr. Chairman, may I call the attention of the chairman on that point of order to the fact that the purpose of this amendment is to carry out the constitutional provision?

The CHAIRMAN. The Chair will call the attention of the gentleman from Pennsylvania to the fact that there is nothing in the bill that he can find that refers to the manufacture of nonintoxicating cider or fruit juices.

Mr. STEELE. I will call the Chair's attention in that respect to section 1 of the bill, which, after defining the word "liquor" and the phrase "intoxicating liquor," proceeds, "and in addition thereto any spirituous, vinous, malt, or fermented liquor, liquids, and compounds."

The CHAIRMAN. That has reference to war-time prohibition.

Mr. STEELE. No. That is in reference to constitutional prohibition. You will find it on page 7.

Now, what this has reference to is liquor of that character. Cider has been judicially determined to be in the nature of vinous liquor, and the liquor referred to in this amendment has particular reference to fruit juices. That is the purpose of this bill, and it is directly to carry out the constitutional provisions with reference to nonintoxicating liquor. It restricts these manufactured products to nonintoxicating, but so far as the products are concerned they are all of a vinous or malt character, such as those mentioned in section 1 of this act. This very section here refers to the possession of liquor defined in section 1. It is not only germane to the bill but it is germane to this particular section. I wish to say to the Chair for a moment, too, that this matter has been a matter of serious discussion, so far as I myself am concerned, with the chairman of the Committee on the Judiciary. I do not think the chairman has any serious objection to the amendment as drawn. May I call the attention of the chairman [Mr. Volstead] to this point?

Mr. BLANTON. Mr. Chairman, that is out of order. The chairman is merely one Member here, although he is in charge of the bill.

The CHAIRMAN. Objection is heard. The Chair has examined the first section of Title II, and the beverages described

in the gentleman's amendment are not referred to in that section. It only refers to certain liquors, and it specifies the per cent of alcohol by volume which those beverages may contain. The amendment offered by the gentleman from Pennsylvania specifically refers to nonintoxicating cider and fruit juices not described anywhere in Title II of the bill, and the point of order is therefore sustained.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. RAKER offers the following amendment: Page 30, line 15, after the word "possession," strike out the remainder of the line and all of lines 16, 17, and 18, down to and including the word "reported."

Mr. RUBEY. Mr. Chairman, I rise to state that I have an amendment which affects the lines which the gentleman from California [Mr. RAKER] desires to strike out. I would like to offer my amendment before his amendment is put.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Mr. RUBEY moves to amend, on page 30, line 18, after the word "reported," by inserting the words "unless the liquor possessed exceeds in value the sum of \$50, in which event such liquor shall be reported."

Mr. RAKER. I will be permitted to speak on my motion to strike out after the gentleman has concluded on his amendment?

The CHAIRMAN. Yes.

Mr. RUBEY. Mr. Chairman, I desire to say that I am in favor of this bill. I do not find any fault with the fact that the bill is stringent in its regulations. You can not pass a law to regulate the liquor traffic and successfully enforce it and regulate that traffic unless you have a law that has got teeth in it. I am in favor of this bill and have supported every proposition to make it even more stringent.

Now, I desire to call the attention of the committee to lines 15, 16, 17, and 18:

But it shall not be unlawful to possess liquors in one's private dwelling while the same is occupied and used by him only as his dwelling, and such liquor need not be reported.

My amendment applies to the last part of that provision; it does not interfere with any person keeping or having liquor, rightfully acquired, in his home, but it does require that that liquor when it exceeds in value the sum of \$50 shall be reported. Objection has been made to the fact that under this bill the wealthy men of this country, the men of means, have been able to store up in their wine cellars immense stores of liquor. Now, I propose that if the amount stored up in any of those wine cellars exceeds in value \$50 it shall be reported. I believe in turning the sunlight of publicity on the stores of liquor that are put away all over this country. [Applause.] My amendment does not interfere with the ordinary man, the laboring man or the poor man, who may desire to put away a few bottles of liquor for his own use and for family use in the years to come. It does not prevent men of means having larger quantities, but it does provide that large stores of liquor shall be reported. All that I want is that large quantities of liquor shall be reported and be made a matter of record, and under the next section, if you will read it, you will find that record is open to the public and the people of the country will know who has it.

Mr. BANKHEAD. Will the gentleman yield?

Mr. RUBEY. I yield to the gentleman from Alabama.

Mr. BANKHEAD. As I understand it this report is to be made to the Commissioner of Internal Revenue.

Mr. RUBEY. Yes.

Mr. BANKHEAD. That would be a secret document, so to speak, filed down here in the Treasury Department. I wish to know what real benefit from the temperance standpoint would be accomplished by the gentleman's amendment?

Mr. RUBEY. If the gentleman will read the next section he will find out that this record of stocks of liquor reported is open to the public; and not only that, but it provides that if you wish you may secure a certified copy of that record and use it in any way you see fit.

Mr. BANKHEAD. That is just it. To what good use could you put your information?

Mr. RUBEY. Does not the gentleman believe it would be a good thing to give publicity to those people who have gotten together great quantities of liquor and have stored them away?

Mr. SABATH. Will the gentleman yield?

Mr. RUBEY. I yield to the gentleman from Chicago.

Mr. SABATH. Does not the gentleman fear that the publicity so given to these various stocks of good liquor which have been put away will have a tendency to increase the number of burglaries and cause the liquor to be stolen?

Mr. RUBEY. I do not care how soon it is stolen. The sooner it is gotten rid of the better.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUBEY. I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for three minutes. Is there objection?

Mr. GRAHAM of Pennsylvania. I object.

Mr. LAZARO. Mr. Chairman, I move to strike out the last word. This bill to enforce national prohibition is entirely too drastic, and should be amended before it is finally enacted into law. All law-abiding citizens want to see the prohibition law enforced, but they do not want a measure so drastic that it would cause a law-abiding man to go to jail because he had a bottle of whisky in his home for use in case of sickness or because his wife happened to make some wine or cordial which contained one-half of 1 per cent of alcohol on the ground that it was an intoxicant.

The country, through its State legislatures, under its Constitution, ratified the national prohibition amendment, which is to go into effect on the 16th of January, 1920. Now, let us be sensible and practical and enact a law to enforce this prohibition amendment which will command the respect and obedience of the American people. I do not think we should be led astray by a few radical men who would enact a law that would cause our best people to lose all respect for their government. Gentlemen of the House, we should pause and think when men like Judge Moon, of Tennessee, and BEN HUMPHREYS, of Mississippi, old Members of this House and men of high character and ability, and who have always voted for prohibition, tell us positively that they will not support this bill unless it is amended.

It seems to me that the strong advocates of prohibition should understand that while a law that would be too lax would be of little good one that is cruel and unjust will do less good, for it will make the very cause they are advocating unpopular. Conservative and fair laws alone are worthy of a great and broad-minded and patriotic people. Is it possible that we can not reason with gentlemen on this floor and amend this bill by eliminating the unreasonable and unjust features that it contains and pass a sensible and effective statute that will be a credit to our sense of justice and right and not an evidence of fanaticism.

I believe that the time is coming when amendments to the Federal Constitution will be submitted to the States for ratification by the direct vote of the people. But I do not wish to discuss that at this time. My object in addressing you to-day is to appeal to the membership of this House to come to their senses and do what the American people want them to do—pass a sensible, practical, and effective law that will punish the offenders of the prohibition law and not destroy the liberty of the law-abiding citizens of the United States. [Applause.]

Mr. RAKER. Mr. Chairman and gentlemen of the committee, the motion of the gentleman from Missouri [Mr. RUBEY] strikes at the very amendment that I offered—to strike out the whole provision which authorizes a man to keep any quantity of liquor in his home without making a declaration as to the amount. The gentleman's [Mr. RUBEY] amendment allows him to retain \$50 worth, but all above and beyond that he must declare. The \$50 is inconsequential and infinitesimal, because under present prices \$50 worth might mean a few gallons.

The very object and purpose of this legislation is to make the law effective. I am in favor of proper legislation to enforce this constitutional amendment. There are a number of provisions of this bill that are a little unreasonable and that ought to be stricken out, but as a matter of fact we should not therefore defeat the entire legislation.

Mr. IGOE. Will the gentleman yield?

Mr. RAKER. I can not yield for a moment. We should not defeat this entire bill because of those provisions, because we believe they will be corrected in the Senate; but I want to call the attention of the committee to the fact that this provision breaks down the very purpose and object of your legislation. Before this law became effective a man with a large amount of money could take five or six thousand dollars and fill his cellar full of liquor. A man just as much entitled to it, with just the same rights as an American citizen, working by the day, could not afford to expend more than \$5.

Now, you propose to provide that a man, because he has a large amount of money, may lay away a supply, for what purpose? For the purpose of doing the very thing that you say should be prohibited to everybody in this land. We have enacted a constitutional amendment, and now we are trying to pass a law to carry out that amendment. By this provision you make a place for a man to violate the law in secrecy. Why do you not compel him to make a declaration and show the amount of

liquor that he has, so that the officers may know where the speaker is, so that the officers may know that the man is taking his friends, Jones and Smith and Brown, to the place where he has his private stock of liquor, to give them liquor in violation of the law, simply because he had money enough to enable him to establish a saloon? That is all there is to it. You can not make it anything else, no difference if you call it a dwelling house. An American citizen intent on upholding and supporting the law will not place in his cellar a large quantity of liquor in violation of this law, and if he does it he does it for some evil purpose. There is no question on earth about that. Now, why make it possible for a man to violate the law with impunity and without giving the officers an opportunity to know it. If his declaration is filed and it shows that he has 100 gallons of whisky, or if he has a barrel of wine, when the officers see certain individuals wending their way to this man's place of residence they will know they are going there to get something to drink, and that he is giving it to them.

Mr. RUBEY. The gentleman is making a fine argument for my amendment. Will he support it?

Mr. RAKER. I am going to support the proposition to strike out this section. No man should have a privilege above anybody else simply because he has a large amount of money, to enable him to run a saloon against the law and because he can hide a stock of liquor in advance. Now, you say you do not want that man to make a declaration as to the amount of whisky or beer or wine that he may have on hand. He should be required to declare the truth. Then let the law take its course. Treat all alike.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Michigan. Mr. Chairman and gentlemen, I move to strike out the last word. I think we lose sight of one important fact, and that is that this is a bill to enforce prohibition and not a bill to regulate the liquor traffic. I call attention to the joint resolution proposing the amendment, the ratification thereof, and the proclamation of the Secretary of State:

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —.

"SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

And, further, that it appears from official documents on file in this department that the amendment to the Constitution of the United States proposed as aforesaid has been ratified by the Legislatures of the States of Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, South Carolina, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

And, further, that the States whose legislatures have so ratified the said proposed amendment constitute three-fourths of the whole number of States in the United States.

Now, therefore, be it known that I, Frank L. Polk, Acting Secretary of State of the United States, by virtue and in pursuance of section 205 of the Revised Statutes of the United States, do hereby certify that the amendment aforesaid has become valid to all intents and purposes as a part of the Constitution of the United States.

In testimony whereof I have hereunto set my hand and caused the seal of the Department of State to be affixed.

Done at the city of Washington this 29th day of January, A. D. 1919.
[SEAL.] FRANK L. POLK,

Acting Secretary of State.

Now, if a person lives up to the purpose of the bill and does not undertake to violate its provisions by furnishing, selling, or giving away intoxicating liquors or dealing in them in any way, he is complying with the wishes of the American people as expressed in this constitutional amendment. They have asked for prohibition. They have not asked us to regulate the traffic in intoxicating liquor by manufacturing, selling, or transporting it in any way.

We are told by eminent physicians that it is not necessary for the public health and welfare of humanity to use intoxicating liquor. But I took the floor more particularly for another purpose; that is, in relation to the quantity of alcohol some are asking to get into beer or light wine as a beverage. Lager beer frequently contains less than 2½ per cent alcohol. That is prohibitive. Another thing: A good deal is said here about labor wanting a provision in the bill so they can use beer and

light wine. There is only a very small percentage of the people of the United States who are not laboring people; and the fact that three-fourths, and more, of the States of the Union have declared for prohibition by a referendum vote, including the laboring people, shows that the laboring people themselves are in favor of prohibition. [Applause.]

I want to say one thing further, as chairman of the Labor Committee: I do not think I have had a single petition from a labor organization in favor of 2½ per cent beer or light wine, but I have received many protests from other organizations—civic societies, manufacturers, professional and business men—against the manufacture, sale, and use of beer and wine. Manufacturers and business men hate to see their men intoxicated. There is not a man of you who would not consider it a calamity to see one of his own family addicted to the use of intoxicating liquor.

Intoxicating liquor has no place in the make-up of the manhood of the country. I do not believe it serves any legitimate or good purpose in the complexion or make-up of our Republic. I think we will be a better Republic, that we will be better men and women, and that our children will grow up to be better men and women if we are temperate and do not use intoxicating liquors. Women are opposed to the use of liquor as a beverage. Good morals are opposed to it, and for these reasons I shall vote for the bill. [Applause.]

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Missouri [Mr. RUBEY].

Mr. VOLSTEAD. Mr. Chairman—

The CHAIRMAN. All time has expired on this amendment.

Mr. VOLSTEAD. I move to strike out the last word. This particular part of the section has given friends of prohibition a good deal of concern. Much of the abuse which this bill has received has grown out of what they consider a too strict limitation as to liquors now in the possession of various persons throughout the country. I have consulted with a great many in regard to this matter. The committee came to the conclusion, as I did, that for the time being we had better leave this provision in. If we find that it works badly I think within a reasonable time we can cut it out. I believe the friends of prohibition had better not give aid to those who are bitterly opposed to this bill by striking it out. To do so will stir up feeling.

I realize that there is objection to this provision, and if I felt that the country would sustain it, if I felt that it would not do any harm to prohibition, I would gladly vote to strike it out. But in view of the situation I shall vote to have it remain in the bill as it is written and add a clause limiting use of this liquor so as to confine it to the home.

Mr. FESS. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. FESS. This section does not go further than the eighteenth amendment, does it?

Mr. VOLSTEAD. No; I do not think it conflicts with that amendment. The question has been raised whether we can destroy liquor kept in the home without being used unlawfully.

Mr. FESS. Under the spirit of the eighteenth amendment the objection that is made would not be valid, because, under the eighteenth amendment, it will be unlawful to keep intoxicating liquor in the home, but would not be if it is not intoxicating.

Mr. VOLSTEAD. The object of the eighteenth amendment is, no doubt, to prohibit the use of liquor, but there is no express provision against keeping it or drinking it. Consequently I do not think we are violating the amendment by allowing this provision to stay in the bill.

Mr. FESS. In other words, the objection made to the section is an objection made to the eighteenth amendment.

Mr. MANN was recognized. [Applause.]

Mr. MANN. Mr. Chairman, I understood the learned gentleman from Ohio, Dr. Fess, just now to say that under the eighteenth amendment it would of course be unlawful to keep in one's home intoxicating liquors, but not if it was not intoxicating. Is that the statement?

Mr. FESS. I think the gentleman did not make the statement as I made it. Liquors may be kept in the home but not for beverage uses.

Mr. MANN. The gentleman did not say anything about "beverage uses," but I am very glad that he makes that correction. I wondered when I heard the distinguished gentleman from Ohio make the suggestion—I wondered if the House had gone so far that one of its most learned Members was legislating upon a very important subject without having read the constitutional amendment and remembering what was in it. [Applause.]

It is perfectly clear that Congress in the constitutional amendment has power to prevent the manufacture, sale, or transportation of intoxicating liquor, and it is quite possible that the

courts in construing what constitute intoxicating liquors may pay some attention to the expression of opinion of Congress, but we should not forget that if under the constitutional amendment we are able to do away with the manufacture of intoxicating liquors, that of itself is a wonderful thing, and perhaps may end, to a large extent at least, the use of that character of stimulant. But here is a section undertaking to say what a man shall do about a bottle of beer, defined to be intoxicating under this bill, which may happen to be in his house or in his barn. The bill would undertake to say that if it is in his house he may leave it there, but if it be in his barn he must report it, drink it, or pour it out.

After all, gentlemen, this House is legislating upon a great subject. We went a long way during the war in sending Government inspectors into private offices and private houses, with a feeling very bitter on the part of many people who were not German sympathizers that we were going far beyond our rights. If we can prevent the manufacture and sale and transportation of intoxicating liquor the world will have made a step of progress which is almost beyond belief, but why in the effort to do that should we make the people all over the country feel that the Government of the United States wants to invade their private homes? [Applause.] Let us enact legislation to carry out the provisions of the constitutional amendment, not undertake to say, as the proposed amendment now pending in the committee proposes to say, that if a man has liquor which somebody claims is worth \$50 in his home he must report it, and under what penalty? A penalty that if he does not it shall be considered that he has it there for purposes of sale. This is a great question upon which we are legislating, and we ought to meet it in a great manner.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to speak for five minutes.

Mr. MANN. I will not take any more time.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last two words. I was very glad to hear the distinguished chairman of the Committee on the Judiciary, the gentleman from Minnesota [Mr. VOLSTEAD], voice his opposition to the pending amendment, because it shows that there is still some sanity left among the active proponents of this measure. Of course, as the gentleman from Illinois [Mr. MANN] has just pointed out, this amendment has nothing whatever to do with the enforcement of the eighteenth constitutional amendment, because the eighteenth amendment says not a word about the possession of liquor lawfully acquired.

I sincerely regret that I have not the opportunity to vote for what I can regard as a reasonable measure to enforce the prohibition amendment. It is true that I voted against that amendment, but as it was duly enacted and made a part of the Constitution of the United States I think it was plainly the duty of Congress to provide the machinery for its enforcement.

If this bill stopped at that it might have been possible, though disagreeing with the fundamental principle of the amendment, for me to have given it my support, but this bill goes infinitely further. It is a hodge-podge of all sorts of liberty-crushing regulations in no way connected with the enforcement of the eighteenth amendment. In the first place it provides for the rigid enforcement of war-time prohibition when the necessity for it has been declared to have ceased by no less an authority than the President himself. While we are rejoicing at the final conclusion of the peace negotiations we are at the same time legislating as though we were in the direst stress of war. No one ever urged the original enactment for war-time prohibition except on the ground of the necessity for conserving the food supply and protecting the morale of our Army. Since the armistice was signed the necessity for food conservation has entirely ceased and our Army is being disbanded as fast as it is humanly possible to do it. Why, then, should we proceed as though the din of battle still resounded about the world? What we ought to do is to follow the President's advice and repeal the law; not at this late date to provide measures for its rigid enforcement.

Even in that portion of this bill which deals with the constitutional amendment we have gone far afield. We are defining and punishing as crimes acts which the eighteenth amendment does not prohibit, does not refer to in any way. We are vastly exceeding any instructions which could reasonably be construed as having been laid upon us by the American people. We are providing rules of conduct which will take an army of sleuths and millions of money to even attempt to enforce. I am sincerely afraid that this bill will not make for a temperate America. I fear that it will act as a stimulation to the business of the moonshiner and the drug peddler. I can not

bring myself to support this measure. I fear that we are sowing the wind and I only pray that we may not reap the whirlwind. [Applause.]

Mr. UPSHAW. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, in all good humor I feel like asking the gentleman from Ohio [Mr. LONGWORTH] who has just taken his seat, and all who sympathize with his utterance praising the President's wisdom, why it is that he and others are unwilling to follow the President of the United States in so many things but are willing to follow him if they think he leads to a beer saloon or a liquor shop?

Mr. LONGWORTH. Mr. Chairman, I will say to the gentleman that the President has never issued such an invitation to me. [Laughter.]

Mr. UPSHAW. Mr. Chairman, I accept this authoritative statement that the President is a wise statesman. [Laughter.] Allow me to say very earnestly that I think it will be a wholesome contemplation at this stage of the debate for us to remember that we who have been seeking to pass the bill that is called drastic have simply been trying to faithfully interpret the spirit of the eighteenth amendment, which provides for stopping forevermore the manufacture and sale of intoxicating liquors, and, of course, we are hoping thus to stop the use of them if possible. While I would not leave in this bill any point that would make it legally vulnerable, I am in favor in all heartiness of making it so tight that beer or liquor will not leak through. I want to remind the gentlemen opposing these drastic measures that there is not one provision in this so-called drastic bill that will touch a single law-abiding citizen on the American continent. [Applause.] If these gentlemen who want this law enforced—and they say that the evils of drink are undenied—I want to ask why it is that they continually seek to make it easy for the man who proposes to violate this law, which has fought its way into the Constitution through the efforts of the God-fearing people of America for the last half century.

It is dangerous to our present and our future, dangerous to our national ideals and to the youth of America, and dangerous to our self-respect and safety at home and to our reputation abroad for the great lawmaking body of the first prohibition nation on earth by constitutional enactment to find itself making laws that are tinged with sympathy for the criminal instead of sympathy for humanity.

Let us make it so tight that nobody would ever say that the American Congress was powerful enough to put a law on the statute books but was not wise enough to make it strong enough to be enforced. Let me remind you of another thing. We have heard much talk during this debate about "the sanctity of the home." I want to ask any living man here if he has ever known either the legal or the illegal liquor sellers to care anything about the sanctity of the home when they were trying to line their pockets with money that was stained with human blood and human sorrow. [Applause.] There is no answer to that proposition. I remind you of another thing. If you allow "any old" amount that anybody wants to put in their homes kept there, we are going to do the very thing suggested by the gentleman from California—we are going to leave among the American people a source of drinking evil and an increasing sentiment of unrest that says that the rich man can fill his cellar with wine but the poor man can not have his own beer. Let us be consistent, gentlemen, and endeavor to carry out the law we are about to pass with sanity and an uncringing demand for sobriety and righteousness. Looseness in enforcing such a law will only intensify the influence of the statement made by the festive, genial gentleman from Massachusetts [Mr. GALLIVAN] only last week, where he called upon all Congressmen to stand up and tell how much liquor they had stored. All over the country, in plate matter in country papers, as well as the daily press, I am seeing the story where that misleading charge was made. It was made here in a spirit of festivity and good humor, perhaps, but we have to remember that it looks very different to people who read such charges in cold type—people at a distance who do not know the high character of this Congress, whether they live away out in California or down yonder in my Georgia district. Destroy the faith of the people in their lawmakers and the Nation is in danger of death and decay; destroy the faith of the people in the integrity and efficiency of our laws and the morale of our citizenship is fatally shattered. Again I urge that we pass a law and enforce a law that will prove our sympathy, not for the criminal who tramples our laws and desecrates our homes, but for humanity, that has suffered so long and that has come at last, thank God, to the day of its victorious emancipation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Chairman, I move that all debate on this section and all amendments close in 10 minutes.

Mr. SABATH. Mr. Chairman—

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this section and all amendments thereto close in 10 minutes.

Mr. IGOE. Mr. Chairman, I offer an amendment that all debate close in 40 minutes.

The CHAIRMAN. The gentleman from Missouri moves as an amendment that all debate close in 40 minutes.

The question was taken, and the amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer an amendment to close in 25 minutes.

Mr. GARLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois move that all debate close in 25 minutes.

The question was taken, and the Chair announced the yeas seemed to have it.

On a division (demanded by Mr. SABATH) there were—ayes 16, yeas 67.

So the amendment was rejected.

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent to be allowed to revise my remarks.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to revise his remarks. Is there objection?

Mr. GALLIVAN. Mr. Chairman, reserving the right to object, I read the speech that the gentleman got permission to extend—

Mr. DYER. Regular order!

Mr. GALLIVAN. I object.

The CHAIRMAN. Objection is heard. The question is on the amendment offered by the gentleman from Minnesota that all debate upon this section and all amendments thereto close in 10 minutes.

Mr. GOLDFOGLE. Mr. Chairman, I move to amend by making it 20 minutes. I think that is but fair.

The CHAIRMAN. The gentleman from New York moves that all debate close in 20 minutes.

The question was taken, and the amendment was rejected.

Mr. McARTHUR. Mr. Chairman, I move to amend by making it close now.

The CHAIRMAN. The gentleman from Oregon moves an amendment to the motion of the gentleman from Minnesota that all debate be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The motion now recurs upon the motion made by the gentleman from Minnesota as amended.

The question was taken, and the motion as amended was agreed to.

The CHAIRMAN. Debate upon this section and all amendments thereto is now closed. The question now recurs on the amendment offered by the gentleman from Missouri [Mr. RUBEY].

Mr. RUBEY. Mr. Chairman, so much discussion has been had that I ask that the amendment be again reported.

The CHAIRMAN. Is there objection?

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I object.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from California [Mr. RAKEE].

The question was taken, and the Chair announced the yeas seemed to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 2, yeas 107.

So the amendment was rejected.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer a perfecting amendment, which I ask the Clerk to report.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: Page 30, line 17, after the word "used," strike out the words "by him only as his" and insert in lieu thereof the following: "exclusively as his and," so that the sentence will read: "Used exclusively as his dwelling."

The question was taken, and the Chair announced the yeas seemed to have it.

Mr. BLANTON. Mr. Chairman, division.

Mr. VOIGT. Mr. Chairman, may we have the amendment again read?

The CHAIRMAN. Without objection, the amendment will be again reported.

Mr. RUBEY and Mr. McARTHUR. Mr. Chairman, I object.

Mr. LAYTON. Mr. Chairman, we do not know what we are voting on.

The question was taken; and there were—ayes 31, yeas 58.

Mr. BLANTON. Mr. Chairman, I ask for tellers on that vote.

Tellers were refused.

So the amendment was rejected.

Mr. WELTY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WELTY: Page 30, line 18, strike out all after the word "reported" and all of lines 19 and 20.

Mr. WELTY. I ask unanimous consent, Mr. Chairman, to proceed for five minutes. I think it is a very important—

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?

Mr. DYER. I object.

The CHAIRMAN. Objection is heard. The question is on the amendment offered by the gentleman from Ohio [Mr. WELTY].

The question was taken, and the amendment was rejected.

Mr. STEELE. Mr. Chairman, I offer a correcting amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STEELE: On page 30, line 18, strike out the colon after the word "Provided," also lines 19 and 20, and insert the following: "But such liquors must be used for the personal consumption of the owner thereof and his family residing at such dwelling, and his bona fide guests when entertained by him therein, and the burden of proof shall be upon the possessor to prove that such liquor was lawfully acquired, possessed, and used."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. What is the point of order?

Mr. BLANTON. That it is not germane to the purposes of this bill.

The CHAIRMAN. The point of order is overruled. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. STEELE. Division, Mr. Chairman.

The committee divided; and there were—ayes 74, noes 53.

So the amendment was agreed to.

Mr. VOIGT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOIGT: Page 30, line 16, after the word "in," strike out "one's private dwelling while the same is occupied and used by him only as his dwelling," and insert in lieu thereof the following: "a building which is in whole or in part used or kept by the possessor in good faith for dwelling purposes."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SABATH: Page 30, strike out lines 6, 7, 8, 9, 10, and 11, and the words "of this title," in line 12.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. LANHAM. Mr. Chairman, I desire to offer a perfecting amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. LANHAM. Mr. Chairman, I move to amend by striking out, on page 30, line 17, the word "only" after the word "him" and insert on page 30, line 18, the word "only" after the word "dwelling," in order to make the word "only" refer to "dwelling" and not to "him."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: Page 30, line 17, after the word "him," strike out the word "only," and in line 18, after the word "dwelling," insert the word "only."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 36. That it shall be the duty of the commissioner to file the reports, statements, and information required by this title as a part of the file of the office in a permanent record alphabetically arranged, and to permit any and all persons desiring to do so to inspect the said state-

ments at any time during office hours. It shall be the further duty of said commissioner to furnish certified copies of such statements to any persons requesting the same, upon payment of the reasonable fees therefor, and the said original statement or certified copies thereof shall be competent evidence in any suit or proceeding in which the same may be relevant. All records required by this act to be kept by any manufacturer, wholesale or retail druggist, physician, or transportation company shall be subject to inspection at any reasonable hours by any of the officers authorized to enforce this title, including the peace officers in the State where the record is kept.

Mr. VOLSTEAD. Mr. Chairman, I offer an amendment, on page 30, line 23, to strike out the word "file" and insert the word "files."

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 30, line 23, strike out the word "file" and insert the word "files."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. Mr. Chairman, in the same line, on page 30, line 23, strike out the word "the" and insert "his," where the word occurs the second time in the line.

The CHAIRMAN. The gentleman from Minnesota offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 30, line 23, strike out the second word "the" and insert the word "his."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. Mr. Chairman, I offer another amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 30, line 24, after the word "arranged," insert "and indorse on each the date when filed."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Minnesota offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 31, lines 3, 4, 5, 6, and 7, strike out: "statements to any persons requesting the same, upon payment of the reasonable fees therefor, and the said original statement or certified copies thereof shall be competent evidence in any suit or proceeding in which the same may be relevant," and insert in lieu thereof "reports, statements, information, and of his indorsement thereon of the date when filed to any person requesting the same, upon payment of the reasonable fees therefor, and such certified copy shall be competent evidence in any suit or proceeding in which said original report, statement, information, or indorsement would be competent."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. GARLAND, Mr. SABATH, and Mr. GARD rose.

The CHAIRMAN. The gentleman from Ohio [Mr. GARD] is recognized.

Mr. GARD. Mr. Chairman, on page 30, line 25, after the word "said," on the bottom line of that page, insert the word "reports"; and, after the word "statements," insert the words "and information."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 30, line 25, after the word "said," insert "reports"; and after the word "statements" insert "and information."

Mr. GARD. Mr. Chairman, that was reported by the committee. I presume the gentleman from Minnesota [Mr. VOLSTEAD] is willing to adopt it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. GARD. Mr. Chairman, on page 31, line 9, I move to strike out the words "transportation company" and insert the word "carrier."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 31, line 9, strike out the words "transportation company" and insert in lieu thereof the word "carrier."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SABATH. Mr. Chairman, I move to strike out the last word.

Mr. VOLSTEAD. Mr. Chairman, will the gentleman yield for just a question?

Mr. SABATH. Yes.

Mr. VOLSTEAD. I would like to ask the gentleman from Ohio [Mr. GARD] whether in inserting this last amendment on page 31, line 9, the word "company" was stricken out or just "transportation"?

Mr. GARD. I proposed to strike out the words "transportation company" and insert the word "carrier."

The CHAIRMAN. The amendment adopted was to strike out the words "transportation company."

Mr. BANKHEAD. Mr. Chairman—

The CHAIRMAN. The gentleman from Illinois [Mr. SABATH] has the floor.

Mr. SABATH. Mr. Chairman, in support of my motion I desire to read in my time a statement by a great woman, Lady Somerset. What she has to say—

Mr. BLANTON. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. SABATH] asks unanimous consent to have the Clerk read the statement indicated.

Mr. BLANTON. I object, because we do not need any information from Lady Somerset.

Mr. SABATH. If the gentleman objects to the Clerk reading the statement in my place, notwithstanding my cold, I will read it myself, and I will point out why it is in order upon my amendment.

Mr. SMALL. Mr. Chairman, I hope the gentleman from Texas will withdraw his objection, in view of the gentleman's condition.

Mr. BLANTON. Mr. Chairman, I raise the point of order that the statement by Lady Somerset could not be in order on a motion to strike out the last word.

The CHAIRMAN. The Chair will decide.

Mr. SABATH. This section 36 provides the duties of the commissioner and also the reports showing how this law should be enforced. The statement that I desire to have read will tend to show that that is impossible of enforcement, and to prove that I desire that this statement be read in support of the contention I am making that this prohibition legislation is not possible of enforcement. Will the gentleman object to the Clerk reading it?

Mr. BLANTON. Mr. Chairman, I insist that the gentleman shall speak in order.

Mr. SABATH. I have made my statement as to why I believe it is in order, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the statement that he sends to the Clerk's desk be read by the Clerk.

Mr. BLANTON. I object. I insist on the gentleman speaking in order.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The gentleman from Pennsylvania [Mr. GARLAND] is recognized.

Mr. GARLAND. Mr. Chairman, there is no doubt that there are many mistakes in this bill. This is evident from the discussion that has developed here from time to time. That it is too drastic there is no question. This bill provides means whereby anyone can be subject to suspicion of having liquor whereupon he may be arrested, and the onus of proof is on the arrested person. This bill would take property away from men and make half the men in the United States policemen, with power to arrest without warrant. In addition to that this bill has gone further and brought back into existence the abridgment of a man's right to a trial by jury, the principle which the working people of the country fought so long and hard to exterminate, that of arrest and trial for contempt. Whether this is done at the instance of the big trusts or not I know not, but you put in the old injunction plan again. You set loose the Huns of the law, the Pinkerton detectives, and the coal and iron police, and such blood hirelings, to make war upon the citizen. Instead of burning down buildings and blowing up mines as formerly, and charging it to the strikers, as has been proven was done in days of injunction, all they have to do is to plant a small phial of liquor on a man who is striking for living wage or against a great wrong and charge contempt. He goes to jail by the injunction route without trial by jury. He is hauled up with an injunction and you take him into the court, and you—

Mr. VOLSTEAD. Mr. Chairman, I rise to a point of order.

Mr. GARLAND. The gentleman is trying to shut me off.

The CHAIRMAN. What is the point of order?

Mr. VOLSTEAD. The point of order is that the gentleman from Pennsylvania is not speaking on anything that is before the House.

Mr. GARLAND. I am speaking of one of the things in this bill that the gentleman from Minnesota and others will have to answer for.

The CHAIRMAN. The gentleman will confine himself to a discussion of the striking out of the last word.

Mr. GARLAND. I am confining myself to the striking out of the last word.

I say this bill has arranged a means whereby the police can break up any strike in the United States. You set these Huns of the law loose to prey on men on strike. I warn you to be careful. You are nearing a great crisis. Congress is made up of about 90 per cent lawyers, and lawyers seem to have in this instance lost sight of the real issue and thought only of the lawyer. The gentleman from Ohio [Mr. FOSTER] urged that it was necessary to have an enactment of this bill for the reason that he could not get a conviction from a jury of 12 honest men. This statement confronts us with the fact that the belief of the lawyer is that the law must be so made that he can convict even against the judgment of 12 disinterested, honest men—a case of 1 man being right and 12 men being wrong. By this law conviction only is considered, without respect to right or to innocence. The gentleman from California [Mr. RAKER] said that these little differences, he hoped, will be fixed up over in the Senate. Is this the kind of legislation that this House is enacting? Do we legislate with the idea of having the Senate fix up our legislation? It looks like it. No wonder the people throughout the country sneer at the action of the House and say, "The Senate will have to correct those mistakes."

Mr. WINGO. The gentleman is speaking about the Senate dictating legislation?

Mr. GARLAND. No; about the Senate correcting our legislation.

Mr. WINGO. If rumor is correct, the Senate is dictating, and your party, in charge of the Senate, is responsible.

Mr. GARLAND. Oh, no. But I say, go on, if you will, drive into the gulf, if you want to; but, I say, have a care for the consequences.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GARLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FIELDS. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Kentucky makes the same request. Is there objection?

Mr. GALLIVAN. Reserving the right to object, there has been plenty of opportunity offered to these gentlemen to give expression to their opinions, and I now object, and will object to every request hereafter to extend remarks.

Mr. RAKER. I ask unanimous consent to revise the remarks that I made a few moments ago upon this section, on page 30—only to revise, not to extend.

The CHAIRMAN. The gentleman asks unanimous consent to revise his remarks. Is there objection?

Mr. GALLIVAN. I have no objection to that, and I desire to withdraw my objection to the request of the gentleman from Kentucky [Mr. FIELDS], because I understand he spoke and simply asked permission to revise the remarks which he made. I have no objection to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. FIELDS]?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. RAKER]?

There was no objection.

Mr. BANKHEAD. Mr. Chairman—

The CHAIRMAN. The gentleman from Alabama—

Mr. SABATH. Mr. Chairman, I make the same request.

Mr. BLANTON. Reserving the right to object—

The CHAIRMAN. No request is pending. The Chair has recognized the gentleman from Alabama.

Mr. SABATH. I made the same request.

The CHAIRMAN. The Chair did not recognize the gentleman. The Chair recognized the gentleman from Alabama.

Mr. BANKHEAD. Mr. Chairman, I desire to offer an amendment in the interest of good construction of the language of the bill. I call the attention of the chairman of the committee [Mr. VOLSTEAD] to this amendment. In lines 24 and 25 I move to

strike out the words "and all persons" and to insert in lieu thereof the word "persons," so that it will read:

And to permit any persons desiring to do so—

because the word "persons" certainly includes all persons.

Mr. VOLSTEAD. I have no objection to the amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: In lines 24 and 25, on page 30, strike out the words "and all persons" and insert in lieu thereof the word "persons."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Mr. VOLSTEAD. I move that all debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this section and all amendments thereto be now closed.

The motion was agreed to.

The Clerk read as follows:

SEC. 37. That all provisions of law that are inconsistent with this act are only repealed to the extent of such inconsistency and the regulations herein provided for the manufacture or traffic in intoxicating liquor shall be construed as in addition to existing laws. This act shall not relieve anyone from paying any taxes or other charges imposed upon the manufacture or traffic in such liquor. No liquor revenue stamps or tax receipts for any illegal manufacture or sale shall be issued in advance, but upon evidence of such illegal manufacture or sale such tax shall be assessed in double the amount now provided by law, with an additional penalty of \$500 on retail dealers and \$1,000 on manufacturers. The payment of such tax or penalty shall give no right to engage in the manufacture or sale of such liquor, or relieve anyone from criminal liability, nor shall this act relieve any person from any liability, civil or criminal, heretofore or hereafter incurred under existing laws.

The commissioner, with the approval of the Secretary of the Treasury, may compromise any civil cause arising under this title before bringing action in court; and with the approval of the Attorney General he may compromise any such cause after action thereon has been commenced.

Mr. CANDLER. Mr. Chairman, a great deal has been said in the course of this debate in reference to the "drastic provisions" of this measure. This is simply a culmination of what has been taking place in the United States for many years preceding this time. This is no sudden conclusion arrived at by the American people, because we can all remember when this question began to be considered many years ago, and the movement has grown in volume from then until the American people made up their minds that the manufacture and sale of intoxicating liquors shall cease. The result of that determination was the adoption of the eighteenth amendment for national prohibition, and this bill is intended to enact provisions of law to enforce that amendment which is now a part of the Constitution and thereby secure nation-wide prohibition.

This measure is not so much to "regulate" the liquor traffic as it is intended to "prohibit" it in accordance with the will of the American people as expressed in the eighteenth amendment which has been adopted, showing the sentiment existing among the people of the United States. Forty-five States out of the 48 in the Union promptly ratified this amendment in one-seventh of the time which was given within which ratification should take place. Mississippi was the first State to ratify the eighteenth amendment.

As a further evidence of the sentiment of the American people, we have the expressions and votes of Members of Congress on this floor reflecting the desires of their constituents at home. Therefore, my friends, there is no question or doubt that the people of the United States desire a measure which shall be sufficient in force and strength to enforce this eighteenth amendment to such an extent as to prohibit the manufacture, sale, transportation, and dealing in intoxicating liquors throughout this country from one end of it to the other.

It is the purpose and object of this bill to accomplish that result, and if it is enacted into law I believe that result will follow, and when it does follow then the wishes of the American people will be carried out. For that reason I do not believe the criticisms which have been voiced upon the floor of this House so often, that it is too drastic and extreme, are well founded. On the contrary, its provisions are intended only for the purpose which I have indicated.

It is true that some of the provisions of the bill are drastic. It is true that they are in some respects extreme, but we who have observed in times past the means adopted by those engaged in the liquor traffic unlawfully, in order to accomplish their purposes, know that it is necessary that drastic measures should be enacted in order to bring about the desired result. The men engaged in the unlawful liquor traffic move in doubtful and devious and submarine ways in order to accomplish their purposes. Therefore, it is necessary to deal with them with an iron

hand in order to thwart them and in order that the American people may have their way instead of the liquor-selling minority having their way.

I do not criticize the gentlemen upon the floor of this House who have furnished the opposition to this bill. I have no doubt they voice their own sentiments and the sentiments of the people whom they represent. Therefore they are performing their duty as they see it, and some amendments have been offered by some of these gentlemen at different places in this bill which have resulted in good legislation. Therefore I do not criticize them, and I have no unkind words for them. But when we do not criticize them, why should they so often criticize us who differ with them and who believe that this eighteenth amendment should be enforced by a law which has real enforcing power in it and which will bring about the result intended to be accomplished in the enactment of it and in the placing of it on the statute books. What the people want is prohibition, and that is what we intend to secure by the passage of this bill. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. GALLIVAN. I object.

Mr. VOLSTEAD. I move that all debate on this section and all amendments thereto be now closed.

Mr. HULINGS. I move to amend the motion.

Mr. SABATH. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SABATH. The gentleman from Mississippi was recognized in favor of his motion and spoke five minutes. Am I not, or some other Member, entitled to five minutes to oppose his motion?

The CHAIRMAN. Unless the time for debate is limited by some action of the committee.

Mr. SABATH. The time was not limited and the gentleman was recognized in favor of the motion.

The CHAIRMAN. The gentleman from Mississippi made a pro forma amendment, and the gentleman from Minnesota moved that all debate on this section and all amendments thereto be now closed, and that motion is in order. The gentleman from Pennsylvania offers an amendment.

Mr. HULINGS. Mr. Chairman, I move to amend by fixing the time for debate at 10 minutes, and I want 5 minutes of it.

The CHAIRMAN. The question is on the amendment to the motion of the gentleman from Minnesota making the time 10 minutes.

The question was taken, and the amendment of the motion was rejected.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Minnesota to close debate.

The motion was agreed to.

The Clerk read as follows:

SEC. 38. That if any provision of this act shall be held invalid it shall not be construed to invalidate other provisions of the act.

Mr. VOLSTEAD. Mr. Chairman, I do not think there is any occasion to discuss this section, and I move that all debate on the section and amendments thereto be now closed.

Mr. WALSH. That is not in order before there has been any debate.

The CHAIRMAN. The point of order is sustained.

Mr. CRAMTON. Mr. Chairman, a few days ago the gentleman from California [Mr. KAHN], whom the House so greatly honors and on many occasions has delighted to follow—

Mr. SABATH. Mr. Chairman, I make the point of order that the gentleman is not speaking in order.

Mr. CRAMTON. Does the gentleman think that speaking well of the gentleman from California is out of order?

Mr. SABATH. No; but the gentleman is out of order.

The CHAIRMAN. The gentleman will confine himself to the question before the House.

Mr. HULINGS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HULINGS. I would like to know how the gentleman from Michigan got his place on the floor.

The CHAIRMAN. The gentleman from Michigan was demanding recognition and no one on the floor asked for recognition and the Chair recognized him.

Mr. HULINGS. But the motion was to close debate.

The CHAIRMAN. A point of order was made and sustained, and therefore the Chair recognized the gentleman from Michigan.

Mr. SABATH. For what purpose was the gentleman from Michigan recognized?

Mr. CRAMTON. I move to strike out the section, Mr. Chairman. Section 38 provides that if any provision of this act shall be held invalid it shall not be construed to invalidate other provisions of the act.

A few days ago the gentleman from California [Mr. KAHN], speaking upon this floor, discussing the relation of prohibition to crime, stated it to be his opinion that prohibition legislation leads to lawlessness, and quoted certain figures with reference to conditions in the city of Washington, D. C.

It is not my desire now to discuss that question at length, further than to call the attention of the House to the fact that the statement of the gentleman from Ohio [Mr. COOPER] has well demonstrated that crime has not increased under prohibition in the city of Washington. But it seems to me that the inquiry of the gentleman from California ought to be carried forward, and in addition to considering Washington, where prohibition had been in effect before the 1st of July, to consider in the way of comparison—

Mr. SABATH. A parliamentary inquiry.

The CHAIRMAN. The gentleman from Michigan has the floor and the gentleman can not take him off the floor by a parliamentary inquiry.

Mr. SABATH. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SABATH. I submit to the Chair whether the gentleman from Michigan is confining his remarks to the amendment striking out the section.

Mr. CRAMTON. Section 38 has a very important relation to the enforcement of this legislation and to its validity. But in connection with that it is to be considered whether legislation of this kind should be enacted that is valid and what its effect on the country will be. In connection with that I would like to call the attention of the House to the conditions of crime in a city similar to Washington where prohibition has not been in effect. A gentleman told me that he could not imagine three cities being dry—New York, New Orleans, and San Francisco. Therefore, I want to call attention to an article from the San Francisco Chronicle of July 12, the day the gentleman from California spoke in this House.

I do not want to weary the House with reading the article, but I will put it in the RECORD, if permitted. The article, in brief, shows that in San Francisco for the year ending June 30, 1919, there were 4,278 cases of burglary, while in 1918 there were 3,398, an increase of something like 30 per cent. That, in a wet city, with all the booze that anybody wanted. Attempted burglaries in 1919, 234, and in 1918, 138; robberies in 1919, 807, and in 1918, 578. Attempted robberies in 1919, 82; in 1918, 57; grand larcenies in 1919, 1,366, and in 1918, 1,132; embezzlements in 1919, 160, and in 1918, 157. Property loss by crime increased from \$267,000 in 1918 to \$357,000 in 1919.

I will not weary you with reading the rest of this, but in order to be fair I think the full statement should appear in the RECORD. But, gentlemen, I make this prophecy, that while prohibition was not to blame for that increase of crime during the last year, that in 1920 the city of San Francisco will show a decrease in crime due to prohibition. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I move that all debate upon this section and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Michigan [Mr. CRAMTON] to strike out the paragraph.

Mr. CRAMTON. Mr. Chairman, I withdraw the motion.

Mr. WALSH. I object.

Mr. SABATH. I object.

Mr. GALLIVAN. I object.

The CHAIRMAN. The question is on agreeing to the motion to strike out.

The question was taken; and on a division (demanded by Mr. GALLIVAN) there were—ayes 4, noes 48.

Mr. SABATH. Mr. Chairman, the count indicates that there is no quorum present. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty-eight Members present, a quorum.

So the motion to strike out was rejected.

The Clerk read as follows:

SEC. 39. That nothing herein shall prevent the storage in United States bonded warehouses in the custody of a United States collector of internal revenue of all liquors manufactured prior to the taking effect of this act, or to prevent the transportation of such liquor for purposes not prohibited when the tax is paid.

A manufacturer of any beverage containing less than one-half of 1 per cent of alcohol by volume may, on making application and giving

such bond as the commissioner shall prescribe, be given a permit to develop in the manufacture thereof a liquid containing more than one-half of 1 per cent of alcohol by volume, but before any such liquid is withdrawn from the factory or otherwise disposed of the alcoholic contents thereof shall under such rules and regulations as the commissioner may prescribe be reduced below such one-half of 1 per cent of alcohol. The alcohol removed from such liquid, if evaporated and not condensed and saved, shall pay no tax; if saved, shall be subject to the same law as other alcoholic liquors.

Mr. VOLSTEAD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. VOLSTEAD: After the word "liquor," in line 17, page 32, insert the words "to such warehouses or any wholesale druggist for sale to such druggist," and at the end of line 18, page 32, insert the words "and permits may be issued therefor."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. Mr. Chairman, in line 16, page 32, I move to strike out the word "to" at the end of the line.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. VOLSTEAD: Page 32, line 16, strike out the word "to" at the end of the line.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEELE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. STEELE: Page 32, line 23, after the word "liquid," insert the following: "such as beer, ale, porter, or wine."

Mr. STEELE. Mr. Chairman, the object of this amendment is simply to clarify the provision which relates only to beverages on line 19, and to define the beverages that are intended by that section. This amendment meets with the approval of the chairman of the committee. I am authorized to state that.

Mr. VOLSTEAD. Mr. Chairman, there is no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 32, noes 6.

So the amendment was agreed to.

Mr. STEELE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. STEELE: After the word "liquors" and the period, on page 33, line 6, insert the following: "The words 'beer, ale, porter, or wine' mentioned in section 1 of this title shall not be construed as included in the word 'liquor' or the phrase 'intoxicating liquor' where they contain less than one-half of 1 per cent of alcohol by volume, but none of the liquors mentioned in section 1 shall be sold for beverage purposes under the names therein mentioned, and the burden of truth shall be upon the one selling such beverage to show the same contains less than one-half of 1 per cent of alcohol by volume."

Mr. STEELE. Mr. Chairman, the object of this amendment is also to clarify this section, and also the first section. There was some doubt whether the absolute prohibitive words did not apply to those beverages that contain less than one-half of 1 per cent of alcohol, and this is intended to remove that doubt. This meets with the approval of the chairman of the committee.

Mr. VOLSTEAD. This is the same language—

Mr. STEELE. Identically the same agreed upon.

Mr. VOLSTEAD. Prohibits the sale under the name of beer, ale, and wine, and so forth.

Mr. STEELE. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 49, noes 1.

So the amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, on page 32, lines 14 and 15, I move to strike out the words "in the custody of a United States collector of internal revenue."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Kentucky: Page 32, line 14, after the word "warehouses," strike out the words "in the custody of a United States collector of internal revenue."

Mr. JOHNSON of Kentucky. Mr. Chairman, there are two classes of United States bonded warehouses. One is for distilled spirits manufactured in this country and the other is for imported distilled spirits. Neither, however, is in the custody of a United States collector of internal revenue. The collector of internal revenue recommends to the Commissioner of Internal Revenue the assignment of a United States storekeeper and gauger, who shall have custody of a warehouse. As a matter of

fact, he does not have exclusive control of the warehouse. The control or right of entry to the warehouse is in the hands of both the United States and the owner of the warehouse. There is no such warehouse in existence as "a United States bonded warehouse in the custody of the United States collector of internal revenue." Therefore I move to strike out those words.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish to offer another amendment. I desire to call the attention of the gentleman from Minnesota, who is in charge of this bill, to the last line and a half of the section, which is found on page 33 in lines 5 and 6. The language is as follows:

The alcohol removed from such liquid, if evaporated and not condensed and saved, shall pay no tax; if saved, shall be subject to the same law as other alcoholic liquors.

"Other alcoholic liquors," as mentioned in this bill and in existing laws, are divided into two parts, some that pay taxes and some that do not pay taxes. Therefore the language "and other alcoholic liquors" is not quite clear. I believe it would be clear, however, if the saved alcohol were taxed as distilled spirits are now taxed. "Alcoholic liquors" and "distilled spirits" under this plan are made to be two different things. Alcohol is distilled spirits, but all distilled spirits is not alcohol. I invite the attention of the gentleman from Minnesota to the language as it now is, to say that it is meaningless, that it may or may not be taxed, but it certainly should be taxed.

Mr. VOLSTEAD. Some might pay tax and some might not.

Mr. JOHNSON of Kentucky. That is the trouble. You say "and other alcoholic liquors," but if you were to say "as other alcoholic liquors are taxed," that might save it.

Mr. COOPER. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. COOPER. Would not the words "subject to tax" after the word "liquors" cover that?

Mr. JOHNSON of Kentucky. I think it would.

Mr. WALSH. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. WALSH. By putting in the words "subject to tax" there you certainly would not say—

Mr. JOHNSON of Kentucky. No; I do not think that would make it. I will say in answer to the gentleman that I now agree with the gentleman from Massachusetts. I do not think that would cure it.

Mr. VOLSTEAD. What I had in mind in drafting it—and I was somewhat responsible for this language, though I am not for all in this bill—was that it occurred to me that there are some liquors subject to tax and some that are not, and each depended upon the use. Now, we simply say it shall be subject to the same law as other alcoholic liquors.

Mr. JOHNSON of Kentucky. I believe if the gentleman would insert the word "taxable" between "other" and "alcoholic" that would cure it, "as other taxable alcoholic liquors."

Mr. VOLSTEAD. But may not be taxed. Suppose it is withdrawn to use for denaturing purposes?

Mr. JOHNSON of Kentucky. If it is "saved," it ought to be taxed.

Mr. VOLSTEAD. But it does not need to be taxed. Suppose it is used as denatured alcohol?

Mr. JOHNSON of Kentucky. Let me invite the gentleman's attention to the whole text of the paragraph.

The alcohol removed from such liquids, if evaporated and not condensed and saved, shall pay no tax.

Now, let me read the alternative.

"If saved, shall be subject to the same law as other alcoholic liquors."

I submit the proposition to the gentleman and he can do as he pleases.

Mr. VOLSTEAD. I think it is all right.

Mr. Chairman, in line 15, on page 32, I move to strike out the word "liquors" and insert the word "liquor." We have tried to preserve that all the way through, and there is a reason for it. We define "liquor" in the first part of the bill, but we do not define "liquors."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 32, line 15, at the end of the line strike out the word "liquors" and insert the word "liquor."

The question was taken, and the amendment was agreed to.

Mr. HULINGS. Mr. Chairman, I have listened to this debate going on here with exemplary patience during all these windy days. I have sought to obtain the floor many times to speak on matters that are now decided, and I feel a good deal like the man who went down to the pool of Siloam, who always

found somebody else that preceded him. I do not, however, mean to say that this House is anything like the pool of Siloam, because the pool of Siloam was supposed to be a sacred place of healing. Mr. Chairman, I am in favor of a bill to abolish the alcoholic liquor traffic. The people of this country have decreed that this traffic shall be abolished. Complaint is made that this bill is too drastic. I confess there are some features in it I do not like. I do not like the provision that judges may summarily punish for contempt not committed in the presence of the court. I think the meanest and poorest citizen in the country, before being deprived of his liberty or his property, shall be entitled to the right of trial by jury. I do not like very much the idea that some men of means can stock up with these liquors and have the liquor in their homes protected while the poor fellow, by reason of circumstances can not do it, is obliged to go dry, and I tell you that that will create more prejudice against this bill than any other one thing in it; but, Mr. Chairman, 90 per cent of the people of this country are law-abiding citizens. They will obey the law whenever they know what it is. There is no trouble about that, but this legislation unfortunately must be directed against citizens of the United States who as a class are notorious lawbreakers, and your law must reach them or your legislation will be of no avail at all. If this bill should be too drastic, and I believe that it is in some particulars, the law-abiding people of this country can change it in a legal orderly way and in the meantime, unless you provide the agents of the law with rakes with teeth in them you never will catch these lawbreakers. There is no such thing as conscience in a bootlegger or the keeper of a blind tiger; you can not appeal to their patriotism or public spirit, and those are the people you have got to reach in this prohibitory legislation. The rest of the country is law-abiding and will submit to the law until it can be legally changed. You will have no trouble with them at all. Satisfied that unusual, even drastic, remedies must be provided yet, I have supported many of the amendments of the gentleman from Ohio [Mr. GARD] because I believed they were in the way of making a more reasonable bill for the enforcement of the constitutional amendment and less liable to prejudice. Those amendments for the most part have been thrown aside. The spirit of this House is not favorable, and therefore I have subordinated my own judgment as to many of the details because I am in favor of the real purpose of the House, and that is to pass an act that will prohibit. [Applause.]

I have never been a party Prohibitionist nor even claimed to be a total abstainer, but I have always been in favor of abolishing the traffic. Local option has been tried, State prohibition has been tried, and now the public sentiment of the whole country demands that the traffic be cut out, root and branch, and I believe this bill will do it.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

Mr. DYER. Mr. Chairman, I move that debate upon this section and all amendments thereto be closed in five minutes.

Mr. BLANTON. Ten minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin, a member of the committee, wishes to offer an amendment.

Mr. CLASON. Mr. Chairman, page 33, line 5, after the second word "saved," in that line, insert the word "it."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CLASON: Page 33, line 5, after the word "saved," where it occurs the second time, insert the word "it."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. DYER. Mr. Chairman, I move that debate upon this amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Missouri moves that all debate upon this section and all amendments thereto close in five minutes.

Mr. BLANTON. Mr. Chairman, I offer to amend that by making it 10 minutes.

The CHAIRMAN. The gentleman offers an amendment to close debate in 10 minutes. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. BLANTON. I ask for tellers.

Mr. DYER. I will give the gentleman three minutes.

Mr. BLANTON. I withdraw it, then, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from Missouri that debate close in five minutes.

The motion was agreed to.

Mr. SAUNDERS of Virginia and Mr. HUSTED rose.
The CHAIRMAN. The gentleman from New York [Mr. HUSTED], a member of the committee, is recognized.

Mr. HUSTED. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 33, line 5, after the word "shall," strike out the words "pay no" and insert the words "not be subject to."

Mr. HUSTED. The object of this amendment, Mr. Chairman, is simply to perfect the text and to make good English. The bill as it reads provides that the alcohol shall pay the tax.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I move to strike out—

Mr. WINGO. Mr. Chairman, a point of order.

The CHAIRMAN. For what purpose does the gentleman from Arkansas rise?

Mr. WINGO. To make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. The committee just closed debate on this amendment.

The CHAIRMAN. The committee closed debate in five minutes.

Mr. WINGO. But the gentleman from Texas did not—

Mr. DYER. I yielded to the gentleman from Texas [Mr. BLANTON].

Mr. WINGO. One gentleman must be recognized, and he is recognized for five minutes only.

The CHAIRMAN. The gentleman consumed but one minute. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BLANTON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 6, noes 41.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 40. That the Commissioner of Internal Revenue and the Attorney General of the United States are hereby respectively authorized to appoint and employ such assistants, experts, clerks, and other employees as they may deem necessary for the enforcement of the provisions of this act, and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be required for the enforcement of this act.

Mr. GARD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 33, line 10, after the word "employees," insert "and to purchase such supplies and equipment."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GARD. Mr. Chairman, I call the attention of the chairman of the committee to the fact that this amendment that I have offered carries out the intention of the chairman of the committee.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. GARD. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 64, noes 1.

So the amendment was agreed to.

Mr. SAUNDERS of Virginia and Mr. IGEOE rose.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. IGEOE. I desire to offer an amendment as a new section. Does the gentleman from Virginia wish to speak to this present section?

Mr. SAUNDERS of Virginia. Yes.

Mr. IGEOE. Then I will withhold.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. SAUNDERS of Virginia. Mr. Chairman, on July 11, the gentleman from Massachusetts [Mr. FITZGERALD] while discussing the bill now under consideration, stated in substance that should this bill become a law, then under its authority policemen could come in "as they did in the State of Virginia, when they entered trains and ransacked the wardrobes of women." His exact language referring to the agents enforcing the prohibition law in Virginia was that "they entered trains, ransacked the wardrobes of women, and committed assaults which bordered on indecency."

I wish to say in this connection that the gentleman from Massachusetts is absolutely mistaken in this reference to conditions in my State. There have been no incidents in Virginia of policemen ransacking the wardrobes of lady passengers, or committing assaults that bordered on indecency. We have been engaged in vigorous efforts to enforce the law of our State against illegal shipment of intoxicating spirits partly from Boston and partly from Baltimore. In utter defiance of the law an organized band of conspirators has endeavored to smuggle whisky into Virginia. Some of it has come into Virginia by train, and automobile through Alexandria, and by the highways from Maryland into Virginia. Large consignments have also come into Norfolk and Richmond by water. I am glad to say in this connection that we have secured the arrest and punishment of many of the parties engaged in the unlawful traffic. But there have been in Virginia no assaults bordering on indecency as suggested by the gentleman from Massachusetts.

Mr. Chairman, inasmuch as the gentleman from Massachusetts [Mr. FITZGERALD] has given us at times very pathetic descriptions of the conditions that in his judgment will exist in his own and other States, as soon as national prohibition becomes effective, I think I will put into the Record a few extracts from the Christian Science Monitor, one of the most conservative, accurate, and reliable newspapers in the United States, and published I believe in Boston. These statements relate to the effect of war-time prohibition in Massachusetts, and particularly in Boston. The statement which I now read is very interesting, and is taken from the Monitor of yesterday:

The decline in arrests for drunkenness was the first effect of prohibition generally noticeable. In Boston, for example, the number of such arrests on a day just before prohibition became effective was 412. A week later, approximately, the city court, which had almost daily since July 1 set new low records for drunkenness cases, had only one such case.

It seems to me that that is a very satisfactory showing for prohibition, even in Boston. A further item that I will read in this connection is from Bridgewater, Mass. The headlines of this citation are: "Dry law reduces jail inmates; must hire help." I read:

BRIDGEWATER, MASS., July 20.

Prohibition is playing havoc with the State prison farm.

In the two weeks before prohibition went into effect 54 men were sentenced to "the farm" for drunkenness, while only 15 have been sent there since July 1. As a result the shortage in prisoners has cut down the laboring force, and it has been necessary to hire workers.

Does the gentleman from Boston object to a reduction in the number of the inmates at the prison farm of his State, even if that reduction is a by-product of prohibition?

Mr. COADY. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. COADY. Will the gentleman tell us how about the conditions in the District of Columbia?

Mr. SAUNDERS of Virginia. The gentleman is as cognizant of conditions in the District of Columbia as I am, and if he desires can put the facts as to those conditions in the Record. Indeed they have already been put into the Record very effectively. One more citation from the Christian Science Monitor:

The second noticeable effect has been, as mentioned, the decrease in crimes involving cruelty. In some cities a noticeable diminution of industrial and other accidents has been reported. It has been the rule that in the past many automobile accidents were due to intoxication on the part of the chauffeur or of a pedestrian. Recently, in this city, the statue of Edward Everett was badly damaged by an automobile the driver of which, it is alleged, was intoxicated.

FURTHER DECREASES EXPECTED.

Once prohibition becomes habitual, police officers believe, there will be a decrease in major as well as minor crimes. In Boston the pawnbrokers' business has fallen off, because men are not pawning goods for money with which to buy liquor and their wives are not forced to seek the pawnshop's aid after the husbands have squandered their pay on liquor. The effect generally, it is believed, will be to make the wage-earner's money go further, to stimulate thrift, to promote the purchase of useful articles, such as clothing and household furniture, and, by relieving economic stress and improper living conditions in many families, to remove incentives to crime.

Many merchants, for example, say that after the country has become adjusted to prohibition they expect a large increase in trade. A part of the money that once went over the bar will go over the store counter and the rest will go into the bank. Buffalo stores, in particular, are making extensive preparations for a deluge of trade within the next few months.

These positive and immediate effects of prohibition, testified to in such emphatic terms by a leading newspaper of Boston, should not, I submit, be regarded as other than desirable, even by the most ardent and enthusiastic antiprohibitionists. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BURKE. Mr. Chairman, I move to strike out section 40.

Mr. DYER. Mr. Chairman, there is a committee amendment pending.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BURKE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BURKE: Page 33, line 7, strike out all of section 40.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. BURKE. Mr. Chairman, I again go on record in opposition to this bill, because it goes to extremes and is too drastic in effect. A bill like this, with its search-and-seizure clause, its denial of the right to a trial by jury, is un-American. Instead of gaining support, it is losing ground, and the eyes of the Nation are watching Congress and its action on this measure. Advocates of prohibition are not for some of its features, because we are Americans first.

No one man or set of men has the right to thrust upon the people of this country a bill or law that violates every vestige of American freedom and outrages every sense of justice. We attempt with this bill to do things that are repugnant to every true-minded American. It has been said that you want to put teeth in the bill. Well, it has teeth, and its claws are pretty sharp, but it does not seem as though its creators had cut their wisdom teeth or were in very close touch with the sentiment of the American people.

A bill like this would be all right emanating under a government of tyranny, but it has no place and no right in a country which has a government of the people, by the people, and for the people.

It is laws like these that make for Bolshevism, and the men that would seek to thrust such laws upon the people of this country or any country are responsible for lawlessness. You take away from the people a cherished right given them by the Constitution of the United States, and you can not expect anything else but discontent and dissatisfaction. Even those opposed to drink are not in sympathy with the severe features of this bill.

America is looked upon as the guiding lamp of the world. She has been the haven of the oppressed and the dispenser of justice to all. Her light has shone with such a brilliancy that the name "America" stands for all that is great and glorious. The people of this great Nation believe her a divine institution. They will see that the things she stands for and represents will not be crushed; that laws will not be enacted that will make of her justice a mockery and of her brilliancy a faded light.

Let this Congress take heed of public sentiment; public sentiment is against making the name of American liberty and American justice a byword; it is against establishing fanatic rule for American rule; it is against taking away from men the inherent rights they possess under American laws—the right to be innocent until proven guilty, and the American right of an American trial by an American jury. [Applause.]

Mr. DYER. Mr. Chairman, I move that all debate on this section close in five minutes.

Mr. BURKE. Mr. Chairman, I desire to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GALLIVAN. I object.

The CHAIRMAN. Objection is heard. The gentleman from Missouri moves that all debate on this paragraph and all amendments thereto close in five minutes.

Mr. SIEGEL. Mr. Chairman, I move to amend the gentleman's motion by making it 10 minutes. I have an amendment here that I want to have considered.

The CHAIRMAN. The gentleman from New York amends the motion of the gentleman from Missouri by substituting 10 minutes for 5 minutes. The question is on agreeing to the amendment of the gentleman from New York.

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. SIEGEL. Mr. Chairman, I demand a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 42, noes 51.

Mr. SIEGEL. I ask for tellers.

Tellers were refused, five Members, not a sufficient number, seconding the demand.

Mr. SIEGEL. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty-nine Members present, a quorum. The question is on the motion of the gentleman from Missouri [Mr. DYER] that all debate on this paragraph and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. ESCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

Mr. SIEGEL. I have another amendment, which I desire to offer.

The CHAIRMAN. The gentleman from New York will be given an opportunity to offer his amendment. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 33, line 11, after the word "act," insert "but such clerks and other employees shall be appointed under the rules and regulations prescribed by the civil service act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were—ayes 90, noes 17.

Accordingly the amendment was agreed to.

Mr. SIEGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SIEGEL: Page 33, line 11, after the word "act," insert "Provided, That the commissioner and Attorney General in making such appointments shall give preference to those who have served in the military or naval service in the recent war if otherwise qualified."

Mr. SIEGEL. Mr. Chairman, there are a number—

Mr. DYER. Mr. Chairman, the time was limited to five minutes.

The CHAIRMAN. There has been no debate since the time was fixed by the committee, and five minutes remain.

Mr. SIEGEL. Mr. Chairman and gentlemen, this amendment would simply give the boys who served in the recent war a preference in this employment if otherwise qualified.

Mr. BLANTON. Does not the gentleman want to include the marines?

Mr. SIEGEL. I do, and the words "naval service" are meant to include the marines.

Mr. BLANTON. Those words do not include them.

Mr. SIEGEL. Oh, yes. The words "naval service" have always been understood to include the marines. Under no conditions would I except them.

Mr. DYER. Will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. DYER. Recently at this session of Congress we adopted a provision, which is now the law, which provides that preference shall be given to these soldiers, sailors, and marines in all appointments in the Government service, either here in Washington or elsewhere.

Mr. SIEGEL. That will probably be held to apply to those acts passed previous to that one.

Mr. DYER. Oh, no; to all acts.

Mr. SIEGEL. If so, what objection is there to putting this provision in this act?

Mr. DYER. It is not necessary.

Mr. SIEGEL. The gentleman from Missouri is mistaken. Many of these boys have come back with arms and legs gone and otherwise disqualified to obtain employment. If we are going to have men to enforce this law certainly these men who have been in the military and naval service, if otherwise qualified, should be given a preference. That is the least Congress can do for them.

Mr. BANKHEAD. Does the gentleman believe what has been stated, that all these returned soldiers are against prohibition?

Mr. SIEGEL. Many, if not all, of them are against prohibition, but I am certain that regardless of whether they are for or against prohibition they will enforce the law as you put it on the statute books. [Applause.]

Mr. COADY. What is the probability of the gentleman's amendment eliminating very many of these Anti-Saloon League advocates?

Mr. SIEGEL. It may, but time will tell that story. [Laughter.]

Mr. WINGO. I rise to a point of order. Under the rules of the House, when operating under the 5-minute rule, if a Member is recognized for 5 minutes, even though debate has been limited to a particular time—5, 10, or 15 minutes—that Member can not yield any part of the 5 minutes. He can not reserve it, he can not transfer it. When the gentleman yields the floor, that time expires. I think if the Chair will consult the parliamentarian he will find that that has been decided time and again, and decided at this session of Congress.

The CHAIRMAN. This question was raised a short time ago in the consideration of this bill; and the Chair, without consulting the authorities, held that the five minutes could be consumed by any Member of the House; but upon making a more thorough investigation the Chair finds that a contrary ruling has been made at this session of Congress and therefore the

Chair sustains the point of order. The question recurs on the amendment offered by the gentleman from New York [Mr. SEGEL].

The amendment was agreed to.

The CHAIRMAN. The question recurs on the motion of the gentleman from Pennsylvania [Mr. BURKE] to strike out the section.

The question was taken, and the amendment was rejected.

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to return to section 6 for this purpose: There has been some question as to what ought to be done in regard to the power to provide wine for sacramental purposes. Various parties have been consulted, and we have agreed on a provision that ought to be inserted if there is no objection.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to page 12, section 6, to offer an amendment.

Mr. GARNER. Reserving the right to object, why not get through with the bill first?

Mr. WALSH. This belongs in this title.

Mr. McDUFFIE. Reserving the right to object, if we go back to section 6 would it deprive one of the privilege of offering a new section under Title II as section 41?

The CHAIRMAN. The question is, Is there objection?

Mr. DYER. I object.

Mr. McDUFFIE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 33, add a new section as section 41, as follows:

"That nothing in this title shall be construed to prohibit the making and keeping on one's own premises wine or cider or cordials made from apples, berries, or fruits for the use and personal consumption in the home, not to exceed 5 gallons at any one time."

Mr. BLANTON and Mr. BARKLEY made points of order.

The CHAIRMAN. What is the ground of the gentleman's point of order?

Mr. BLANTON. It is not germane and not in accordance with the purpose contained in the bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. IGOE. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

Nothing in this title shall be held to apply to the manufacture, sale, importation, possession, or distribution of wine for sacramental purposes, except sections 6 and 10 hereof and the sections of this act prescribing penalties for the violation of either of said sections. No person to whom a permit may be issued to manufacture, import, or sell wines for sacramental purposes shall sell, barter, exchange, or give any such to any person not a rabbi, minister of the gospel, or priest, nor to any such except upon an application duly subscribed by him and indorsed by an official specially designated for such purpose, by the head of the conference or diocese or other ecclesiastical jurisdiction in which he is officiating, which application shall be filed and preserved by the seller. The head of any conference or diocese or other ecclesiastical jurisdiction may designate any rabbi, minister, or priest to supervise the manufacture of wine to be used for sacramental purposes, and the person so designated shall be entitled to a permit, to be issued by the commissioner, authorizing him so to supervise such manufacture: *Provided, however,* That the foregoing provisions of this section shall not apply to any officer, minister, priest, or rabbi of any church or religious organization who is unwilling or unable to comply with the same, but such officer, minister, priest, or rabbi may manufacture, purchase, possess, and use wine for sacramental purposes under permits issued under and subject to the provisions of this title.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the Chair announced that the ayes seemed to have it, and the ayes had it.

Mr. JOHNSON of Kentucky. Mr. Chairman, there was no negative vote, and the Chair said that the ayes seemed to have it.

The CHAIRMAN. There was a good deal of confusion in the House, and the Chair was not sure that there were no negative votes.

Mr. JOHNSON of Kentucky. I demand a division, Mr. Chairman.

The committee divided; and there were 98 ayes and no noes. So the amendment was agreed to.

Mr. VENABLE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. VENABLE: Insert as a new section the following:

"That in all cases where the property of any citizen is proceeded against, or wherein a judgment affecting it might be rendered and the citizen is not the one who in person violated the provisions of the law, summons must be issued in due form and served personally if said person is to be found within the jurisdiction of the court."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. VENABLE) there were—ayes 26, noes 14.

So the amendment was agreed to.

Mr. SABATH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD on this bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to revise and extend his remarks upon this bill. Is there objection?

Mr. POUL. Mr. Chairman, I make the same request.

Mr. WALSH. Reserving the right to object, if he is going to insert any newspaper extracts about what Lady Somerset said, I shall object.

Mr. SABATH. I merely desire to straighten out the remarks that I made.

Mr. WALSH. I object if the gentleman does not care to answer the question.

The CHAIRMAN. Objection is made. Is there objection to the request of the gentleman from North Carolina [Mr. POUL]. [After a pause.] The Chair hears none.

Mr. LEHLBACH. Mr. Chairman, I make the same request.

Mr. DYER. Mr. Chairman, I think all should be treated alike, and I suggest they take the matter up in the House instead of in the committee. I object to all such requests.

The CHAIRMAN. Objection is made.

Mr. FESS. Mr. Chairman, I move to strike out the last word to suggest that we have added two sections, and there ought to be authority given to renumber the sections.

Mr. DYER. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III.

INDUSTRIAL ALCOHOL.

That when used in this title—

The term "alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, from whatever source or whatever processes produced.

The term "container" includes any receptacle, vessel, or form of package, tank, or conduit used or capable of use for holding, storing, transferring, or shipment of alcohol.

Mr. WALSH. Mr. Chairman, I move to amend by inserting, in line 17, before the word "that," the words "Section 1."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 32, line 17, before the word "that," insert the words "Section 1."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

INDUSTRIAL-ALCOHOL PLANTS AND WAREHOUSES.

SEC. 2. That any person now producing alcohol shall, within 30 days after the passage of this act, make application for registration as proprietor of an industrial-alcohol plant, and as soon thereafter as practicable the premises shall be bonded and permit may issue for the operation of such plant, and any person hereafter establishing a plant for the production of alcohol shall likewise before operation make application, file bond, and receive permit, except that no manufacturer of vinegar under section 3282 of the Revised Statutes, as amended, shall be required to register as the proprietor of an industrial-alcohol plant.

Mr. VOLSTEAD. Mr. Chairman, I move to strike out, in lines 9, 10, 11, and 12, on page 34, the language commencing, in line 9, with the words "except that." This amendment was not put on by the committee. It was offered and pending, and by mistake the Clerk included it in the bill. There is another provision covering this matter.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 34, line 9, strike out the words "except that" and all of lines 10, 11, and 12.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GARD. What did the gentleman say about that?

Mr. VOLSTEAD. This was never agreed to by the committee. By mistake it was put into the bill. There is another provision, on page 37, covering this subject.

Mr. GARD. This is a proper provision, is it not, as it exists?

Mr. VOLSTEAD. I do not know what the object is, and there is no necessity of putting it in. We never agreed to it.

Mr. GARD. My impression is that it was considered by the committee and put in, though I may be mistaken.

Mr. VOLSTEAD. It was not.

Mr. WALSH. It was put in by mistake.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, on page 34, line 4, before the words "for registration," I move to insert the words "to the Commissioner of Internal Revenue."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: Page 34, line 4, after the word "application," insert the words "to the Commissioner of Internal Revenue."

Mr. WALSH. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. WALSH. If the gentleman will note, on page 7, line 18, the word "commissioner" is defined to mean the Commissioner of Internal Revenue. I suggest if the gentleman will just insert the word "commissioner"—

Mr. JOHNSON of Kentucky. I accept the amendment. Strike out the words "of Internal Revenue," so that the amendment will read, "Make application to the commissioner for registration, and so forth."

The CHAIRMAN. Without objection, the Clerk will report the amendment as modified.

There was no objection.

The Clerk read as follows:

Page 34, line 4, after the word "application," insert "to the commissioner."

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish to invite the attention of the chairman of the committee to the language used in section 2 and also in section 4. Section 2, which is now under consideration, reads:

That any person now producing alcohol shall, within 30 days after the passage of this act, make application to the commissioner for registration as proprietor of an industrial alcohol plant—

And so forth. Then down in section 4 I find this language:

That alcohol produced at any registered industrial alcohol plant,—

And so forth. By the language in section 2 the proprietor of an industrial plant is registered and not the plant itself, while in section 4, at the bottom of the page, the plant is registered and not the proprietor. It has been the rule throughout all legislation concerning this subject to have the plant registered, and I believe that the language in section 2 should be changed to conform with the language in section 4.

Mr. VOLSTEAD. This language was drawn by the office of the Commissioner of Internal Revenue—the whole of this title, with very few exceptions—and there is practically no change of the language at all.

Mr. JOHNSON of Kentucky. The Commissioner of Internal Revenue only recently took that office, and it has been physically impossible for him to acquaint himself with the law upon this subject, and I believe it has been impossible for him to have acquainted himself fully with the provisions of this bill. Now, it was drawn by somebody in the office who was not any better prepared to prepare a bill than the gentleman from Minnesota or myself.

Mr. DYER. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. DYER. If the gentleman, I think, will move to strike out the words "as proprietor" in line 4 of section 2, that would meet the situation, and it ought to be done I am sure.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out, line 4, section 2, the words "as proprietor."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: Page 34, line 4, strike out the words "as proprietor."

The question was taken, and the amendment was agreed to.

Mr. DENISON. Mr. Chairman, I want to offer an amendment as a new section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 33, line 15, insert a new section, section 41—

The CHAIRMAN. The Chair calls attention of the gentleman to the fact we have passed Title II and are now reading Title III of the bill.

Mr. DENISON. I did not know we had passed that, and I ask unanimous consent to return—

Mr. DYER. I will object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. CURRIE of Michigan. Mr. Chairman, further to clarify the language of section 2 I move, on page 34, line 4, after the word "registration," to insert the words "of his plant."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CURRIE of Michigan: Page 34, line 4, after the word "registration," insert the words "of his plant."

Mr. GARD. Can not we have that amendment read. There seems to be some confusion.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Michigan will be again read.

There was no objection.

The amendment was again reported.

Mr. GARD. May we not have the language as it now exists read?

The Clerk read as follows:

So that it will read, "That any person now producing alcohol shall, within 30 days after the passage of this act, make application to the commissioner for registration of his plant, as proprietor of an industrial-alcohol plant—"

Mr. RAKER. That is already stricken out by the motion of the gentleman from Kentucky.

Mr. CURRIE of Michigan. I want the word "as" to follow the word "plant," so the amendment will read—

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. Would it not be better for these gentlemen, in order to avoid confusion, to put their amendments in writing?

The CHAIRMAN. The gentleman will send his amendment to the desk in writing.

Mr. WINGO. I suggest, Mr. Chairman, that we consider some other amendment while the gentleman is doing that.

Mr. CURRIE of Michigan. Mr. Chairman, with the consent of the gentleman from Ohio, I believe this language will be clear if in line 4, page 34, we strike out the word "an" and insert the word "his."

Mr. WINGO. Let me suggest to the gentleman that he change the word "of" to the word "as."

Mr. RAKER. Mr. Chairman, a parliamentary inquiry. Is the other amendment withdrawn?

The CHAIRMAN. The gentleman offers an amendment as a substitute for the amendment offered previously. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CURRIE of Michigan: Page 34, line 4, strike out the word "an" and insert the word "his."

Mr. GARD. May we have it reported as it is amended? It is impossible to follow the text.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CURRIE of Michigan: On page 34, line 4, after the word "of," strike out the word "an" and insert the word "his," so that the paragraph will read:

"That any person now producing alcohol shall, within 30 days after the passage of this act, make application to the commissioner for registration of his industrial-alcohol plant."

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. The amendment that was presented by the gentleman from Michigan was withdrawn?

Mr. DYER. It was modified as last reported.

Mr. RAKER. That is right.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Michigan [Mr. CURRIE].

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That warehouses for the storage and distribution of alcohol exclusively for other than beverage purposes may be established upon filing of application and bond, and issuance of permit at such places, either in connection with the manufacturing plant or elsewhere, as the commissioner may determine; and the entry and storage of alcohol therein and the withdrawals of alcohol therefrom shall be made in such containers and by such means as regulations may prescribe.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee what is meant by the expression "such means," in line 20?

Mr. VOLSTEAD. That may mean by a pipe line; it may mean by a trunk or almost anything. Under present regulations and under a good many of the statutory provisions, it is very difficult to transfer from one place to another, and almost impossible, and this is with a view of liberalizing it.

Mr. JOHNSON of Kentucky. In line 14, after the word "alcohol," does not the gentleman think the words "to be used" should be inserted, so that it will read: "That warehouses for the storage and distribution of alcohol to be used exclusively for other than beverage purposes," and so forth?

Mr. VOLSTEAD. I would not object to that.

Mr. JOHNSON of Kentucky. I offer the amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Kentucky: Page 34, line 14, after the word "alcohol," insert the words "to be used."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 4. That alcohol produced at any registered industrial-alcohol plant or stored in any bonded warehouse may be transferred under regulations to any other registered industrial-alcohol plant or bonded warehouse for any lawful purpose.

Mr. REED of West Virginia. Mr. Chairman—

The CHAIRMAN. The gentleman from West Virginia is recognized.

Mr. REED of West Virginia. I would like to ask the chairman a question. Alcohol has been described in the preceding section very minutely. Here it is simply "alcohol." Does the gentleman want any qualifying words such as "for beverage purposes"?

Mr. VOLSTEAD. The word "alcohol" is defined in the title.

Mr. REED of West Virginia. Section 3 carries those definitions.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 6. That any distilled spirits produced and fit for beverage purposes remaining in any bonded warehouse on or before January 16, 1920, may, under regulations, be withdrawn therefrom either for denaturation at any bonded denaturing plant or for deposit in a bonded warehouse established under this act; and when so withdrawn, if not suitable as to proof, purity, or quality for other than beverage purposes, such distilled spirits shall be redistilled, purified, and changed in proof so as to render such spirits suitable for other purposes, and having been so treated may thereafter be denatured or sold in accordance with the provisions of this act.

Mr. JOHNSON of Kentucky. Mr. Chairman, in line 16, after the word "therefrom," I move to insert the words "and transported."

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: Page 35, line 16, after the word "therefrom," insert the words "and transported."

Mr. VOLSTEAD. I do not think we ought to insert those. There is no limitation upon the transportation of this. This is industrial alcohol, and I do not think we ought to mention it specially, because it ought to come under the general regulations.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. SABATH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. SABATH. I do so for the purpose of asking a question of the chairman of the committee. There is no provision that I see in the bill as to such alcohol after January 16, 1920. It says, "In any bonded warehouse on or before January 16, 1920."

Mr. VOLSTEAD. I do not know whether I correctly heard the gentleman's statement.

Mr. SABATH. This section provides what can be done with the alcohol remaining in the bonded warehouse on or before January 16, 1920, but there is no provision there that any alcohol or spirits that remain in the bonded warehouse after January 16, 1920, can be rectified or redistilled.

Mr. VOLSTEAD. There is a provision in here that it may be rectified or redistilled, but there is no more to be produced except for medical and medicinal purposes.

Mr. SABATH. But it says "on or before January 16, 1920," and there is nothing after that date.

Mr. DYER. There will not be any after that date, because the amendment goes into effect then.

Mr. SABATH. You still may have some spirits in the warehouse after that date.

Mr. DYER. It must be in the warehouse before that date. It can not be put in after January 16, 1920.

The CHAIRMAN (Mr. Fess). The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Sec. 9. That industrial alcohol plants and bonded warehouses established under the provisions of this title shall be exempt from the provisions of sections 3154, 3244, 3258, 3259, 3260, 3263, 3264, 3266, 3267, 3268, 3269, 3271, 3273, 3274, 3275, 3279, 3280, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3302, 3303, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, and 3327 of the Revised Statutes; sections 48 to 60, inclusive, and sections 62 and 67 of the act of August 27, 1894 (28 Stats., 563-568).

Regulations may be made embodying any provision of the sections above enumerated.

Mr. FORDNEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FORDNEY: Page 36, line 23, strike out the period after the word "enumerated" and insert the following: "and from such other provisions of existing laws relating to distilleries and bonded warehouses as may by regulations be declared inapplicable to industrial alcohol plants and bonded warehouses established under this act."

Mr. WALSH. Mr. Chairman, I do not see that that makes any sense. Regulations may be made embodying any provision of the sections above enumerated, and then it goes on to say, "That upon the filing of application and bond," and so forth.

Mr. FORDNEY. The alcohol manufacturers requested me to introduce that amendment.

Mr. WALSH. I suggest to the gentleman that it makes no sense in the place where it is offered as the last part of section 9.

Mr. GARD. Does the gentleman offer it as a separate paragraph or separate section?

Mr. FORDNEY. No, sir. I offer it as an amendment to that section.

Mr. GARD. It does not follow the text.

Mr. DYER. I suggest to the gentleman that the proper place is at the end of line 21. That is where it should go.

Mr. FORDNEY. I do not object to having it put there. Mr. Chairman, I ask unanimous consent to have the amendment inserted at the end of line 21.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the amendment be inserted at the end of line 21. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read, to be inserted at the end of line 21, page 36.

Mr. VOLSTEAD. Mr. Chairman, I do not believe we ought to put that in, because it seems to me that it delegates to the commissioner the power to repeal existing law. There is a general rule well recognized that allows Congress to delegate power to determine some fact upon the finding of which an enactment becomes operative. But we must make the law. We can not delegate the power to legislate. This, it seems to me, leaves to the commissioner the power to say what part of existing law shall remain in force and what not without laying down any rule from which it can be determined with any certainty what is law and what is not. There was a provision substantially of this kind in the bill that we struck out in the consideration of it in the committee.

Mr. DYER. Well, Mr. Chairman, if the gentleman will yield, we struck it out in the committee because the gentleman from Minnesota stated it was going into the jurisdiction of the Committee on Ways and Means; that it was their business to repeal statutes affecting the revenue. This does not repeal any statute at all. It only makes certain provisions of the Revised Statutes inapplicable to provisions of this law.

Mr. VOLSTEAD. No; that was not the reason at all. The committee discussed it, and the same objection that I am raising to it now was raised in the committee; that is, that it delegates to the commissioner power to legislate. As I view it, it does not come within the rules under which we may delegate power. We may delegate the finding of a fact and declare that upon such finding the law as we declare it shall become operative.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DYER. Mr. Chairman, this amendment ought to be adopted. There is nothing objectionable in it. It only makes it inapplicable to industrial alcohol, and I know every Member of this House is anxious to encourage that great industry which is now trying to get a foothold in America for the first time. Germany has had this industry for many years, while we in this country are but beginning to get started.

Mr. RAKER. Mr. Chairman, a point of order.

Mr. DYER. I refuse to yield to the gentleman to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. RAKER. The point of order is that the gentleman from Michigan offered his amendment, the Chair recognized him, and he has not been given an opportunity to present his amendment.

Mr. DYER. The gentleman from Michigan yielded the floor.

Mr. FORDNEY. I presented the amendment and yielded to the gentleman from Missouri.

Mr. DYER. Mr. Chairman, this industry is engaged in the manufacture of industrial alcohol for heat, for light, for power, and many other important uses. It is absolutely necessary in hospitals and chemical laboratories, and is used in the home in many ways. It is hampered by these antiquated laws passed

at various times since the beginning of this country's history. In those days we did not have any industrial alcohol, and the laws were passed with reference to alcohol used in beverages. Now that we have come to the point where we are making industrial alcohol, the amendment offered by the gentleman from Michigan is only to make inapplicable certain old sections and statutes that interfere with the manufacture of industrial alcohol, which should be repealed. I hope the amendment will be agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan [Mr. FORDNEY].

The question being taken, on a division (demanded by Mr. VOLSTEAD and Mr. GARD) there were—ayes 51, noes 32.

Mr. BLANTON. I ask for tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas asks for tellers.

Tellers were refused, three members, not a sufficient number, seconding the demand.

The Clerk read as follows:

Sec. 11. That alcohol produced at any industrial alcohol plant or stored in any bonded warehouse may, under regulations, be withdrawn tax free as provided by existing law from such plant or warehouse for transfer to any denaturing plant for denaturation, or may, under regulations, before or after denaturation, be removed from any such plant or warehouse for any lawful tax-free purpose.

But any person permitted to obtain alcohol tax free, except the United States and the several States, shall first apply for and secure a permit to purchase the same and give the bonds prescribed under title 1 of this act, but alcohol withdrawn for nonbeverage purposes for use of the United States and the several States may be purchased and withdrawn subject only to such regulations as may be prescribed.

Mr. VOLSTEAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 37, line 18, add: "Spirits of less proof than 160 degrees may, under regulations, be deemed to be alcohol for the purpose of denaturation, under the provisions of this title."

Also, after line 18, page 37, insert a new paragraph to follow the above:

"That alcohol may be withdrawn, under regulations, from any industrial plant or bonded warehouse, tax free for use of the United States or any governmental agency thereof, for the several States and Territories, and the District of Columbia, and for the use of any scientific university or college of learning, any laboratory for use exclusively in scientific research, or any hospital not conducted for profit."

The CHAIRMAN. Does the gentleman from Minnesota yield the floor?

Mr. VOLSTEAD. Yes.

Mr. GARD. I desire to ask a question of the chairman of the committee. What has become of the gentleman's statement a while ago that he was going to take care of the proposition that no manufacturer of vinegar should be required to register as the proprietor of an industrial alcohol plant?

Mr. VOLSTEAD. On page 37 the gentleman will find the following provision:

Nothing in this act shall be construed to require manufacturers of distilled vinegar to raise the proof of any alcohol used in such manufacture or to denature the same.

It was claimed that in manufacturing vinegar a liquid containing only 28 per cent of alcohol was necessary, and consequently the law should not require a higher percentage. The change from alcohol to vinegar is in effect a denaturing process. In order to be denatured alcohol it must be 160 proof, as I understand. So we have adopted the amendment which has been voted on.

Mr. GARD. Does the gentleman think that covers the provision that was heretofore included, or not?

Mr. VOLSTEAD. Yes; it was presented by Mr. HUSTED, a member of the committee, and was accepted in the language in which he drew it. I am sure it is all right.

Mr. GARD. The gentleman says it was drawn by the attorney of the vinegar companies?

Mr. VOLSTEAD. Yes; who was there before the committee.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. GARD. Mr. Chairman, I offer to amend, on page 37, line 24, after the second word "States," by inserting the words "Territories and the District of Columbia."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 37, line 24, after the second word "States," insert the words "Territories and the District of Columbia."

Mr. AYRES. Does not the gentleman think it should go in also in line 20?

Mr. GARD. No; I think it is covered by the last provision.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Sec. 13. That the commissioner shall from time to time issue regulations respecting the establishment, bonding, and operations of industrial alcohol plants, denaturing plants, and bonded warehouses authorized herein, and the distribution, sale, export, and use of alcohol which may be necessary, advisable, or proper, to secure the revenue, to prevent diversion of the alcohol to illegal uses, and to place the nonbeverage alcohol industry and other industries using such alcohol as a chemical raw material or for other lawful purposes upon the highest possible plane of scientific and commercial efficiency consistent with the interests of the Government, and which shall insure an ample supply of such alcohol and promote its use in scientific research and the development of fuels, dyes, and other lawful products. All regulations so issued shall have the force and effect of law.

Mr. FORDNEY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

After line 19, page 38, insert as section 13 a the following:

"Sec. 13 a. That whenever any alcohol is lost by evaporation or other shrinkage, leakage, casualty, or unavoidable cause during distillation, redistillation, denaturation, withdrawal, piping, shipment, warehousing, storage, packing, transfer, recovery, or use of any such alcohol the commissioner shall remit or refund any tax incurred under existing law upon such alcohol, provided he is satisfied that the alcohol has not been diverted to any illegal use: *Provided also*, That such allowance shall not be granted if the person claiming same is indemnified against such loss by a valid claim of insurance."

Mr. WALSH. Mr. Chairman, I make a point of order against that provision. That is merely an attempt to incorporate a tax provision into this legislation.

Mr. FORDNEY. Mr. Chairman, that matter was before the Committee on the Judiciary and was stricken from the bill because of the fact that the chairman and members of that committee thought that it rightfully belonged to the Committee on Ways and Means, as it affected the revenues of the Government. The chairman called my attention to the matter, and I took it up with the Committee on Ways and Means, and I have been authorized to offer it here as an amendment to this bill.

Mr. WALSH. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. WALSH. Did I understand the gentleman to say that this had been considered by the Committee on Ways and Means in connection with this legislation and that it had authorized him to offer it?

Mr. FORDNEY. Yes; I took it up with the committee and was authorized to offer this amendment, as I have.

Mr. WALSH. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Sec. 14. That whoever operates an industrial alcohol plant or a denaturing plant without complying with the provisions of this title and lawful regulations made thereunder, or whoever withdraws or attempts to withdraw or secure tax free any alcohol subject to tax, or whoever violates any of the provisions of this title or of regulations lawfully made thereunder shall be liable, for the first offense, to a penalty of not exceeding \$1,000 or imprisonment not exceeding 30 days, or both, and for a second or cognate offense to a penalty of not less than \$100 nor more than \$10,000, and to imprisonment of not less than 30 days nor more than one year. It shall be lawful for the commissioner in all cases of second or cognate offense to refuse to issue for a period of one year permit for the manufacture or use of alcohol upon the premises of any person responsible in any degree for the violation.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer an amendment. On page 38, line 23, after the word "withdraw" insert "from bond."

Mr. WALSH. Does the gentleman understand that the term "withdraw" also applies to the withdrawal of liquor from the plant?

Mr. JOHNSON of Kentucky. The tax attaches to alcohol under the provisions of this bill just as soon as it is produced as such. There are no withdrawals contemplated in the law except withdrawals from bonded warehouses.

Mr. WALSH. This attempts to withdraw it from the plant, from the distillery.

The CHAIRMAN. The question is on the amendment by the gentleman from Kentucky.

The question was taken, and the amendment was rejected.

Mr. SAUNDERS of Virginia. Mr. Chairman, I would ask the chairman of the committee whether or not the word "a" in line 7 on page 39 should not be inserted after the word "year"?

Mr. VOLSTEAD. Yes.

Mr. SAUNDERS of Virginia. Then, Mr. Chairman, I move to insert the word "a" after the word "year" in line 7.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SAUNDERS of Virginia: Page 29, line 7, after the word "year," insert the word "a."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 16. That where any property is seized for violation of this title it may be released to the claimant or to any intervening party, in the discretion of the commissioner, on a bond given and approved.

Mr. GOLDFOGLE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On line 15 of page 39, between the words "seized" and "for," insert "or a lien is claimed and has attached pending a suit," and on line 16 strike out the word "title" and in lieu thereof insert "act," so that as amended section 16 shall read as follows:

"SEC. 16. That where any property is seized, or a lien is claimed and has attached pending a suit, for violation of this act it may be released to the claimant or to any intervening party, in the discretion of the commissioner, on a bond given and approved."

Mr. GOLDFOGLE. Mr. Chairman, I would like to have the attention of the gentleman from Minnesota [Mr. VOLSTEAD]. I think the gentleman will accept the amendment that I have introduced. It allows the commissioner to accept a bond not only in the cases where property has been seized under this title, but also in cases where a lien is claimed and has attached under any provision of this act. In other words, I would have the commissioner invested with the right to take a bond where property has been seized under this act, not alone under this title but under any section of the law, and also take a bond and approve it in the case where a lien has attached pending suit, so that in the cases provided for in Title II, where for an alleged violation of some of the provisions a lien has attached, the commissioner may during the pendency of the suit release the property, provided proper security be given to the Government, and in cases where property has been seized, as, for instance, automobiles or cars or any kind of property under Title II, a bond may be accepted. As drawn in this bill the commissioner is restricted to taking a bond in the case of such seizures only as are provided for in Title III, and can not take bond in many of the cases where the law would impose a lien under Title II. Unless the commissioner be given such authority, which would by the way amply secure the Government, great injustice might often result to owners of property and property tied up during protracted litigation. I hope the chairman of the committee will accept the amendment I have offered.

Mr. VOLSTEAD. Mr. Chairman, I do not think it ought to be accepted. I do not think this ought to be changed.

Mr. McLAUGHLIN of Michigan. This would authorize the commissioner in cases with which he has nothing to do, in cases begun under Title II, in the case of seizure of property, to receive the bond. That ought not to exist and the amendment ought not to be here.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

SEC. 20. That titles 1 and 3 and sections 1 and 40 of title 2 of this act shall take effect and be in force from and after the passage and approval of the act. The other sections of title 2 shall take effect and be in force on and after January 16, 1920.

Mr. VOLSTEAD. Mr. Chairman, I move to amend in line 3, on page 40, by inserting after the last figure "1" a comma and the figures "39."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 40, line 3, after the second figure "1" insert a comma and the figures "39."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent that the figures "1," "3," and "2" be changed to the Roman numerals "I," "III," and "II," where it refers to titles in lines 3, 4, and 6, page 40.

The CHAIRMAN. Will the gentleman restate his request for unanimous consent?

Mr. VOLSTEAD. That the numbers designating titles in lines 3, 4, and 6 be changed to Roman numerals.

The CHAIRMAN. The gentleman asks unanimous consent that the numbers in lines 3, 4, and 6 be changed to Roman numerals. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Mr. Chairman, has the chairman of the committee secured consent to have the Clerk renumber the sections and correct errors in spelling? I ask unanimous consent that the Clerk be authorized to renumber sections and to correct any misspelled words.

Mr. SABATH. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WALSH. I make the motion, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts moves that the Clerk be authorized to correct any mistakes in spelling and be allowed to renumber the sections where they are not numbered.

Mr. SABATH. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SABATH. Is that motion in order—to authorize the Clerk to revise and rewrite the bill?

Mr. WALSH. It is usually done by unanimous consent; but, of course, the gentleman from Chicago, who has been filibustering for the last three weeks on this bill, thought he would execute a smart maneuver at the final end of the bill and object to what has heretofore usually been granted by unanimous consent. I ask for a vote.

Mr. SABATH. I do not know what the gentleman is talking about—

The CHAIRMAN. The gentleman from Illinois makes the point of order that it is not in order to return to prior sections of the bill, and the Chair is inclined to think that the point of order is well taken.

Mr. WALSH. I am not asking to return to prior sections of the bill.

The CHAIRMAN. It would be an amendment to prior sections, of course, to renumber them, and the Chair sustains the point of order.

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to return to page 3, line 3, where a mistake occurred by inserting the word—

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to page 3, line 3, for the purpose of offering an amendment. Is there objection?

Mr. SABATH. Reserving the right to object—

Mr. WALSH. Regular order!

Mr. GARD. Let us have the amendment reported.

The CHAIRMAN. The regular order is demanded. Is there objection?

Mr. SABATH. Reserving the right to object—

SEVERAL MEMBERS. Regular order!

Mr. GARD. Let us have the amendment reported.

Mr. SABATH. I object.

Mr. GALLIVAN. The gentleman from Illinois objects.

Mr. VOLSTEAD. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 6810, had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WALSH. Mr. Speaker, under the rule is the previous question now considered as ordered on the bill?

The SPEAKER. The Chair thinks it is. The first question is, Is a separate vote demanded on any amendment?

Mr. GARD. Mr. Speaker, I ask for a separate vote on what is called new section 26; as it appears on page 2902 of the CONGRESSIONAL RECORD of July 19.

The SPEAKER. The gentleman from Ohio demands a separate vote on the amendment indicated. Is a separate vote demanded on any other amendment?

Mr. BLANTON. Mr. Speaker, I demand a separate vote on what is known as the Steele amendments to section 39.

Mr. IGOE. Mr. Speaker, I ask for a separate vote on the Barkley amendment to section 26, which provides for a search warrant to private dwellings to be used for sale, and so forth. I do not know what the exact language is.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. FESS. Mr. Speaker, I ask for a separate vote on the amendment which struck out section 31—the bootlegging section.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. VOLSTEAD. Mr. Speaker, I ask for a separate vote on the amendment inserting the word "hereafter" after the word "shall," in line 3, on page 2.

Mr. RAKER. Mr. Speaker, I desire a separate vote on the amendment to section 35.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The first separate vote is demanded on section 26.

Mr. CANNON. Mr. Speaker, I desire unanimous consent for one minute to ask a question of the chairman of the committee.

The SPEAKER. The gentleman asks unanimous consent for one minute?

Mr. CANNON. Yes. It is nearly 6 o'clock, and the previous question has been ordered, and it seems to me, and I want to suggest it to the chairman, that it would be better to take the vote to-morrow.

Mr. VOLSTEAD. I suppose there will be a roll call on several amendments and on the bill itself. [Cries of "Vote!" "Vote!"]

Mr. CANNON. Well, we will know what the amendments are in the morning. I appeal to the gentleman that he consent that the vote on the amendments and the bill go over until morning, when we can have the amendments in the Record.

Mr. CURRIE of Michigan. Mr. Speaker, the regular order.

Mr. CANNON. Are you going to drive this through to-night?

Mr. VOLSTEAD. Yes.

Mr. CANNON. The gentleman says "yes." Mr. Speaker, I move that the House do now adjourn.

On a division (demanded by Mr. CANNON and Mr. McARTHUR) there were—yeas 116, noes 107.

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman from Virginia demands tellers. Those in favor of taking the vote by tellers will stand and be counted. [After counting.] Sixty-five gentlemen have arisen.

Mr. WALSH. Mr. Speaker, I demand the other side.

Mr. SAUNDERS of Virginia. Mr. Speaker, you do not take any opposition vote on the call for tellers.

Mr. BRITTEN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays.

The yeas and nays were ordered.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. What is this vote on? Is it on one of the amendments?

The SPEAKER. On the motion to adjourn. The Clerk will call the roll.

The question was taken; and there were—yeas 150, nays 219, not voting 61, as follows:

YEAS—150.

Almon	Eagle	McDuffie	Rainey, J. W.
Anthony	Elliott	McGlennon	Ramsey
Aswell	Elston	McKeown	Randall, Wis.
Babka	Fitzgerald	McKinley	Reber
Bacharach	Flood	McKinley	Rhodes
Bee	Fordney	McLane	Riordan
Blackmon	Gallivan	McPherson	Robinson, N. C.
Bland, Mo.	Ganly	MacGregor	Rodenberg
Bland, Va.	Gard	Madden	Romjue
Bowers	Garner	Maher	Sabath
Brand	Garrett	Mansfield	Sanders, N. Y.
Brinson	Glynn	Martin	Sanford
Britten	Goldfogle	Mead	Sears
Browning	Greene, Vt.	Merritt	Sherwood
Buchanan	Griffin	Minahan, N. J.	Sims
Burdick	Hamill	Monahan, Wis.	Small
Burke	Hickey	Montague	Smith, Ill.
Butler	Hill	Mooney	Smith, N. Y.
Byrns, Tenn.	Holland	Moore, Va.	Snell
Campbell, Kans.	Huddleston	Moore, Ind.	Steagall
Cannon	Hull, Iowa	Morin	Steele
Cantrill	Humphreys	Mott	Stephens, Miss.
Carew	Husted	Mudd	Stephens, Ohio
Carter	Igoe	Nelson, Mo.	Sullivan
Casey	Johnston, N. Y.	Nolan	Tinkham
Chindblom	Juil	O'Connell	Venable
Clark, Mo.	Kearns	O'Connor	Vinson
Classon	Kennedy, R. I.	Oldfield	Voigt
Cleary	Klecza	Oliver	Walters
Coady	LaGuardia	Overstreet	Ward
Crago	Lampert	Padgett	Wason
Cullen	Lazaro	Park	Wheeler
Davis, Tenn.	Lea, Calif.	Parker	Williams
Denison	Leibach	Pell	Wilson, La.
Dent	Linthicum	Phelan	Wilson, Pa.
Dooling	Longworth	Porter	Winslow
Dupré	McAndrews	Pou	
Eagan	McArthur	Radeliffe	

NAYS—219.

Ackerman	Briggs	Cramton	Dowell
Alexander	Brooks, Ill.	Crisp	Drane
Anderson	Brooks, Pa.	Crowther	Dunbar
Andrews, Nebr.	Brumbaugh	Currie, Mich.	Dunn
Ayres	Byrnes, S. C.	Curry, Calif.	Dyer
Baer	Campbell, Pa.	Dallinger	Ellsworth
Bankhead	Candler	Darrow	Emerson
Barbour	Caraway	Davey	Esch
Barkley	Christopherson	Davis, Minn.	Evans, Nebr.
Begg	Cole	Dempsey	Evans, Nev.
Bell	Collier	Dickinson, Mo.	Ferris
Benham	Connally	Dickinson, Iowa	Fess
Blanton	Cooper	Dominick	Fields
Boies	Copley	Donovan	Fisher
Box	Costello	Doughton	Foster

Frear	Kennedy, Iowa	Olney	Sumners, Tex.
French	Kieess	Osborne	Sweet
Fuller, Mass.	Kincheloe	Paige	Taylor, Colo.
Gallagher	Kinkaid	Parrish	Taylor, Tenn.
Gandy	Knutson	Peters	Temple
Garland	Kraus	Quin	Thomas
Good	Langley	Ragsdale	Thompson, Ohio
Goodwin, Ark.	Lanham	Rainey, H. T.	Thompson, Okla.
Gould	Lankford	Raker	Tillman
Graham, Pa.	Larsen	Ramseyer	Timberlake
Graham, Ill.	Layton	Randall, Calif.	Tincher
Green, Iowa	Leshner	Rayburn	Towner
Greene, Mass.	Little	Reavis	Treadway
Hadley	Loneragan	Reed, N. Y.	Upshaw
Hardy, Colo.	Luce	Reed, W. Va.	Vale
Hardy, Tex.	Lufkin	Ricketts	Vare
Haskell	Luhring	Riddick	Vestal
Hastings	McCulloch	Robison, Ky.	Vestland
Haugen	McFadden	Rogers	Walsh
Hawley	McKenzie	Rose	Watkins
Hayden	McLaughlin, Mich.	Rubey	Watson, Pa.
Hays	McLaughlin, Nebr.	Sanders, Ind.	Watson, Va.
Heflin	MacCrate	Sanders, La.	Weaver
Hernandez	Magee	Saunders, Va.	Webb
Hersey	Major	Schall	Webster
Hersman	Mapes	Scott	Welling
Hoch	Mays	Sells	Whaley
Houghton	Michener	Siegel	White, Kans.
Howard	Miller	Sinclair	White, Me.
Hudspeth	Mondell	Sinnott	Wingo
Hulings	Moon	Smith, Idaho	Wise
Jacoway	Moore, Ohio	Smith, Mich.	Wood, Ind.
James	Moore, Pa.	Smithwick	Woods, Va.
Johnson, Ky.	Morgan	Snyder	Woodward
Johnson, S. Dak.	Murphy	Stedman	Wright
Johnson, Wash.	Nelson, Wis.	Steenerson	Yates
Jones, Tex.	Newton, Minn.	Stevenson	Young, N. Dak.
Kelley, Mich.	Newton, Mo.	Stiness	Young, Tex.
Kelly, Pa.	Nichols, Mich.	Strong, Pa.	Zihlman
Kendall	Ogden	Summers, Wash.	

NOT VOTING—61.

Andrews, Md.	Evans, Mont.	Johnson, Miss.	Rouse
Ashbrook	Fairfield	Jones, Pa.	Rowan
Benson	Focht	Kahn	Rowe
Black	Freeman	Kettner	Rucker
Bland, Ind.	Fuller, Ill.	King	Scully
Booher	Godwin, N. C.	Kitchin	Shreve
Browne	Goodall	Kreider	Sisson
Burroughs	Goodykoontz	Lee, Ga.	Slemp
Caldwell	Griest	Lever	Strong, Kans.
Carss	Hamilton	McClintic	Taylor, Ark.
Clark, Fla.	Harrison	Mann	Tilson
Dale	Hicks	Mason	Welty
Dewalt	Hull, Tenn.	Neely	Wilson, Ill.
Doremus	Hutchinson	Nicholls, S. C.	
Echols	Ireland	Platt	
Edmonds	Jefferis	Purnell	

So the motion was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. HICKS with Mr. HULL of Tennessee.

Mr. JONES of Pennsylvania with Mr. CLARK of Florida.

Mr. ANDREWS of Maryland with Mr. BENSON.

Mr. EDMONDS with Mr. BLACK.

Mr. IRELAND with Mr. DEWALT.

Mr. HAMILTON with Mr. BOOHER.

Mr. HUTCHINSON with Mr. EVANS of Montana.

Mr. KAHN with Mr. KETTNER.

Mr. GRIEST with Mr. NICHOLLS of South Carolina.

Mr. MANN with Mr. KITCHIN.

Mr. DALE with Mr. ROWAN.

Mr. FULLER of Illinois with Mr. RUCKER.

Mr. PLATT with Mr. SISSON.

Mr. SHREVE with Mr. CALDWELL.

Mr. BLAND of Indiana with Mr. TAYLOR of Arkansas.

Mr. BURROUGHS with Mr. DOREMUS.

Mr. FOCHT with Mr. WELTY.

Mr. KREIDER with Mr. GODWIN of North Carolina.

Mr. TILSON with Mr. LEVER.

Mr. WILSON of Illinois with Mr. JOHNSON of Mississippi.

Mr. MASON with Mr. LEE of Georgia.

Mr. GOODYKOONTZ with Mr. HARRISON.

Mr. PURNELL with Mr. MCCLINTIC.

Mr. FAIRFIELD with Mr. SCULLY.

Mr. TILSON with Mr. ASHBROOK.

Mr. KING with Mr. NEELY.

Mr. BLAND of Indiana. Mr. Speaker, I want to vote "present."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. BLAND of Indiana. No; I was outside, here. I want to vote "present."

The SPEAKER. The gentleman does not qualify himself to vote.

The result of the vote was announced, as above recorded.

The SPEAKER. The House decides not to adjourn. The question is upon agreeing to section 26½ as a new section, which the Clerk will report.

Mr. GARD rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. GARD. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. Mr. Speaker, the printed CONGRESSIONAL RECORD shows on page 2902 that an amendment offered by the gentleman from Virginia [Mr. SAUNDERS] was adopted. The record at the desk, so I am informed by those at the desk, shows that it was not adopted. My inquiry is whether it was or was not adopted?

The SPEAKER. The Chair finds in the RECORD and is informed at the desk that it was adopted.

Mr. CANNON. Mr. Speaker, I ask for the reading of the new section.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Page 25, line 15, after the word "process," insert a new section, section 264, as follows:

"Sec. 264. Any State officer having power to make arrests for violating the laws of the United States under section 1014 of the Revised Statutes of the United States shall have power to issue search warrants under the power granted in title 11 mentioned herein."

Mr. GARD. Mr. Speaker, on that I demand the yeas and nays.

Mr. SIMS. Mr. Speaker, if there are any amendments upon which no separate vote is asked, can not they be adopted?

The SPEAKER. They have been adopted.

Mr. SIMS. That is what I wanted to ask about.

The SPEAKER. The gentleman from Ohio [Mr. GARD] demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Seventy-two gentlemen have arisen. The Chair thinks that that is a sufficient number.

Mr. BLANTON. Mr. Speaker, I ask for the other side.

The SPEAKER. The Chair thinks that is a sufficient number. Does the gentleman demand the other side?

Mr. BLANTON. Yes; I ask for the other side.

The SPEAKER. Those opposed to taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] On the other side there are 70.

The yeas and nays were ordered.

The SPEAKER. As many as favor striking out this amendment will, when their names are called, answer "aye"; those opposed will answer "no."

Mr. WALSH. No, Mr. Speaker, the vote is not on striking it out.

Mr. BARKLEY. The vote is on agreeing to the amendment.

The SPEAKER. The gentleman is correct. Those who favor the amendment will, when their names are called, answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 73, nays 286, answered "present" 2, not voting 69, as follows:

YEAS—73.

Alexander	French	Kelly, Pa.
Andrews, Nebr.	Good	Luce
Barkley	Hadley	McKeown
Brumbaugh	Hardy, Colo.	Mapes
Byrnes, S. C.	Hastings	Mays
Carter	Hawley	Miller
Christopherson	Hayden	Moore, Ohio
Cole	Hernandez	Morgan
Cooper	Hersey	Mott
Cramton	Hersman	Murphy
Currie, Mich.	Hill	Nelson, Wis.
Davis, Tenn.	Hoch	Oldfield
Dickinson, Iowa	Houghton	Quinn
Dominick	Howard	Randall, Calif.
Dowell	Jacoway	Reed, N. Y.
Emerson	James	Rubey
Evans, Nev.	Johnson, Ky.	Saunders, Va.
Fess	Johnson, Wash.	Scott
Fields	Kelley, Mich.	Sells

NAYS—286.

Ackerman	Briggs	Connally	Eagle
Almon	Brinson	Copley	Elliott
Anderson	Brooks, Ill.	Costello	Ellsworth
Anthony	Brooks, Pa.	Crago	Elston
Aswell	Browning	Crisp	Esch
Ayres	Buchanan	Crowther	Evans, Nebr.
Babka	Burdick	Cullen	Fisher
Bacharach	Burke	Curry, Calif.	Fitzgerald
Baer	Butler	Dallinger	Flood
Bankhead	Byrns, Tenn.	Darrow	Foster
Bee	Campbell, Kans.	Davey	Frear
Begg	Campbell, Pa.	Davis, Minn.	Fuller, Mass.
Bell	Candler	Dempsey	Gallagher
Benham	Cannon	Denison	Gallivan
Black	Cantrill	Dent	Gandy
Blackmon	Caraway	Dickinson, Mo.	Gandy
Bland, Ind.	Carew	Donovan	Gard
Bland, Mo.	Casey	Dooling	Garland
Bland, Va.	Chandler	Doremus	Garner
Blanton	Chidblom	Drane	Garrett
Boles	Clark, Mo.	Dunbar	Glynn
Boher	Classon	Dunn	Gofffogle
Bowers	Cleary	Dupré	Goodwin, Ark.
Box	Coady	Dyer	Goodykoontz
Brand	Collier	Egan	Gould

Graham, Pa.	Lufkin	Padgett	Stedman
Graham, Ill.	Lubring	Park	Steele
Green, Iowa	McAndrews	Parker	Steenerson
Greene, Mass.	McArthur	Parrish	Stephens, Miss.
Greene, Vt.	McCulloch	Pell	Stevenson
Griffin	McDuffie	Peters	Stiness
Hamill	McFadden	Phelan	Strong, Pa.
Haskell	McGlennon	Porter	Sullivan
Hays	McKenzie	Pou	Summers, Tex.
Heflin	McKiniry	Radcliffe	Sweet
Hickey	McLane	Rainey, H. T.	Taylor, Tenn.
Holland	McLaughlin, Mich.	Rainey, J. W.	Temple
Huddleston	McLaughlin, Nebr.	Raker	Thompson, Ohio
Hudspeth	McPherson	Ramsey	Timberlake
Hulings	MacCrate	Ramseyer	Tinkham
Hull, Iowa	MacGregor	Randall, Wis.	Treadway
Humphreys	Madden	Rayburn	Upshaw
Husted	Magee	Reavis	Vaile
Igoe	Maher	Reber	Vare
Johnson, Miss.	Major	Reed, W. Va.	Venable
Johnson, S. Dak.	Mansfield	Rhodes	Vestal
Johnston, N. Y.	Martin	Ricketts	Vinson
Jones, Tex.	Mead	Riddick	Voigt
Juhl	Merritt	Riordan	Volstead
Kearns	Michener	Robinson, N. C.	Walsh
Kennedy, Iowa	Minahan, N. J.	Robison, Ky.	Walters
Kennedy, R. I.	Monahan, Wis.	Rodenberg	Ward
Kless	Mondell	Rogers	Watson
Kincheloe	Montague	Romjuc	Watson, Pa.
Kinkaid	Moon	Rose	Watson, Va.
Kitchin	Mooney	Rucker	Weaver
Klecza	Moore, Pa.	Sabath	Wheeler
Knutson	Moore, Va.	Sanders, Ind.	White, Me.
Kraus	Moore, Ind.	Sanders, La.	Williams
LaGuardia	Morin	Sanders, N. Y.	Wilson, Ill.
Lampert	Mudd	Sanford	Wilson, La.
Langley	Nelson, Mo.	Scars	Wilson, Pa.
Lanham	Newton, Minn.	Sherwood	Wingo
Lankford	Newton, Mo.	Siegel	Winslow
Larsen	Nichols, Mich.	Small	Wood, Ind.
Layton	Nolan	Smith, Ill.	Woods, Pa.
Lazaro	O'Connell	Smith, Mich.	Woodward
Lea, Calif.	Ogden	Smith, N. Y.	Young, N. Dak.
Leibach	Oliver	Smithwick	Young, Tex.
Linthicum	Olney	Snell	Zihlman
Loneragan	Osborne	Snyder	
Longworth	Overstreet	Steagall	

ANSWERED "PRESENT"—2.

Doughton Hardy, Tex.

NOT VOTING—69.

Andrews, Md.	Freeman	Kreider	Rowe
Ashbrook	Fuller, Ill.	Lee, Ga.	Schall
Barbour	Godwin, N. C.	Leshner	Scully
Benson	Goodall	Lever	Shreve
Britten	Gries	Little	Sisson
Browne	Hamilton	McClintic	Sleep
Burroughs	Harrison	McKinley	Stephens, Ohio
Caldwell	Haugen	Mann	Taylor, Ark.
Clark, Fla.	Hicks	Mason	Taylor, Colo.
Dale	Hull, Tenn.	Neely	Tilson
Dewalt	Hutchinson	Nicholls, S. C.	Towner
Echols	Ireland	O'Connor	Welty
Edmonds	Jefferis	Paige	Wise
Evans, Mont.	Jones, Pa.	Platt	Wright
Fairfield	Kahn	Purnell	Yates
Ferris	Kendall	Ragsdale	
Focht	Kettner	Rouse	
Fordney	King	Rowan	

So the amendment was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. MCKINLEY with Mr. FERRIS.

Mr. LITTLE with Mr. DOUGHTON.

Mr. BARBOUR with Mr. HARDY of Texas.

Mr. ROWE with Mr. O'CONNOR.

Mr. MERRITT with Mr. LESHER.

Mr. TOWNER with Mr. WISE.

Mr. STEPHENS of Ohio with Mr. TAYLOR of Colorado.

Mr. LITTLE. Mr. Speaker, I desire to vote "nay."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. LITTLE. I was not.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

The SPEAKER. The next amendment on which a separate vote is requested is on the Gard amendment to strike out section 31. The Clerk will report the amendment.

Mr. BARKLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARKLEY. Are we voting on these amendments according to their places in the bill or according to the order in which the requests were made?

The SPEAKER. According to the order in which the requests for separate votes were made. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, lines 15 to 24, strike out all of section 31.

The question being taken, on a division (demanded by Mr. WALSH) there were—ayes 114, noes 110.

Mr. VOLSTEAD and Mr. FESS demanded the yeas and nays. The yeas and nays were ordered.

Mr. HULINGS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HULINGS. I rise for the purpose of asking what we are voting on.

The SPEAKER. The amendment was reported. It is to strike out section 31.

The Clerk will call the roll.

The question was taken; and there were—yeas 218, nays 151, answered "present" 1, not voting 60, as follows:

YEAS—218.

Ackerman	Dunn	Longworth	Riordan
Alexander	Dupré	Luhning	Robinson, N. C.
Almon	Eagan	McAndrews	Rodenberg
Anthony	Eagle	McArthur	Rogers
Aswell	Elston	McDuffie	Rose
Babka	Evans, Nebr.	McGlennon	Rowan
Bacharach	Fitzgerald	McKinley	Rucker
Bankhead	Flood	McKinley	Sabath
Bee	Fordney	McLane	Sanders, Ind.
Begg	Gallagher	McLaughlin, Mich.	Sears
Bell	Gallivan	McPherson	Sherwood
Black	Ganly	MacCrate	Siegel
Blackmon	Gard	MacGregor	Small
Bland, Ind.	Garland	Madden	Smith, Ill.
Bland, Mo.	Garner	Magee	Smith, N. Y.
Bland, Va.	Glynn	Maher	Smithwick
Boehrer	Goldfogle	Major	Snyder
Brand	Gould	Mansfield	Steagall
Brooks, Pa.	Graham, Pa.	Martin	Stedman
Browning	Greene, Mass.	Mead	Steele
Buchanan	Greene, Vt.	Minahan, N. J.	Stephens, Miss.
Burdick	Griffin	Monahan, Wis.	Stephens, Ohio
Burke	Hamill	Mondell	Stevenson
Butler	Haskell	Montague	Stiness
Byrnes, S. C.	Hays	Moon	Strong, Pa.
Campbell, Pa.	Hedlin	Mooney	Sullivan
Cannon	Hickey	Moore, Pa.	Summers, Tex.
Cantrill	Holland	Moore, Ind.	Temple
Carew	Howard	Morin	Thompson, Ohio
Carss	Huddleston	Mudd	Tinkham
Casey	Hudspeth	Nelson, Mo.	Vare
Chindblom	Hulings	Newton, Mo.	Vestal
Clark, Mo.	Hull, Iowa	Nicholls, S. C.	Vinson
Classon	Humphreys	Nicholls, Mich.	Voigt
Cleary	Husted	Nolan	Walsh
Coady	Igoe	O'Connell	Walters
Collier	Jeffers	Ogden	Ward
Connally	Johnson, Miss.	Olney	Watkins
Copley	Johnston, N. Y.	Oversstreet	Watson, Pa.
Costello	Jones, Tex.	Park	Weaver
Crago	Juul	Parker	Welty
Crisp	Kennedy, R. I.	Pell	White, Me.
Cullen	Kincheloe	Peters	Williams
Curry, Calif.	Kitchin	Pelan	Wilson, Ill.
Darrow	Klecza	Porter	Wilson, La.
Davis, Minn.	Knutsen	Pou	Wilson, Pa.
Dempsey	LaGuardia	Radcliffe	Winslow
Denison	Lampert	Ragsdale	Wise
Dent	Lanham	Rainey, J. W.	Woods, Va.
Dominick	Larsen	Ramsey	Woodyard
Donovan	Lazaro	Randall, Wis.	Wright
Dooling	Lea, Calif.	Rayburn	Young, Tex.
Doremus	Lehlbach	Reavis	Zihlman
Drane	Linthicum	Reber	
Dunbar	Loneragan	Rhodes	

NAYS—151.

Anderson	Fess	Layton	Saunders, Va.
Andrews, Nebr.	Fields	Little	Scott
Ayres	Fisher	Luce	Sells
Baer	Foster	McCulloch	Sims
Barbour	Frear	McFadden	Sinclair
Barkley	French	McKenzie	Sinnot
Benham	Gandy	McKeown	Smith, Idaho
Blanton	Goodwin, Ark.	McLaughlin, Nebr.	Smith, Mich.
Boles	Goodykoontz	Mapes	Snell
Bowers	Graham, Ill.	Mays	Steenerson
Box	Green, Iowa	Michener	Strong, Kans.
Briggs	Hadley	Miller	Summers, Wash.
Brinson	Hardy, Colo.	Moore, Ohio	Sweet
Brumbaugh	Hastings	Moore, Va.	Taylor, Colo.
Byrns, Tenn.	Haugen	Morgan	Taylor, Tenn.
Campbell, Kans.	Hawley	Mott	Thomas
Candler	Hayden	Murphy	Thompson, Okla.
Caraway	Hernandez	Nelson, Wis.	Tillman
Carter	Hersey	Newton, Minn.	Timberlake
Christopherson	Hersman	Oldfield	Tincher
Cole	Hill	Oliver	Towner
Cooper	Hoch	Osborne	Upshaw
Cramton	Houghton	Padgett	Vaile
Crowther	Jacoway	Parrish	Venable
Currie, Mich.	James	Quin	Volstead
Dallinger	Johnson, Ky.	Rainey, H. T.	Vason
Davey	Johnson, S. Dak.	Raker	Watson, Va.
Dickinson, Mo.	Johnson, Wash.	Ramseyer	Webb
Dickinson, Iowa	Kearns	Randall, Calif.	Webster
Dowell	Kelley, Mich.	Reed, N. Y.	Wellington
Dyer	Kelly, Pa.	Reed, W. Va.	Whaley
Elliott	Kendall	Ricketts	Wheeler
Ellsworth	Kennedy, Iowa	Riddick	White, Kans.
Emerson	Kiess	Robison, Ky.	Wingo
Esch	Kinkaid	Romjue	Wood, Ind.
Evans, Nev.	Kraus	Rubey	Yates
Ferris	Langley	Sanders, La.	Young, N. Dak.
	Lankford	Sanders, N. Y.	

ANSWERED "PRESENT"—1.

Doughton

NOT VOTING—60.

Andrews, Md.	Focht	Ireland	O'Connor
Ashbrook	Freeman	Jones, Pa.	Paige
Benson	Fuller, Ill.	Kahn	Platt
Britten	Fuller, Mass.	Kettner	Purnell
Brooks, Ill.	Garrett	King	Rouse
Browne	Godwin, N. C.	Kreider	Rowe
Burrighs	Good	Lee, Ga.	Sanford
Caldwell	Goodall	Leshner	Schall
Clark, Fla.	Griest	Lever	Scully
Dale	Hamilton	Lufkin	Shreve
Dewalt	Hardy, Tex.	McClintic	Slisson
Echols	Harrison	Mann	Stemp
Edmonds	Hicks	Mason	Taylor, Ark.
Evans, Mont.	Hull, Tenn.	Merritt	Tilson
Fairfield	Hutchinson	Neely	Treadway

So the amendment was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. FULLER of Massachusetts with Mr. GARRETT.

Mr. SANFORD with Mr. TAYLOR of Arkansas.

On this vote:

Mr. DOUGHTON (for) with Mr. HARDY of Texas (against).

The result of the vote was then announced as above recorded.

The SPEAKER. The next amendment upon which a separate vote is demanded is the Steele amendment to section 39, which the Clerk will report.

The Clerk read as follows:

Page 33, line 6, after the word "liquors" insert the following: "The words 'beer,' 'ale,' 'porter,' or 'wine' mentioned in section 1 of this title shall not be construed as included in the word 'liquor' or the phrase 'intoxicating liquor' where they contain less than one-half of 1 per cent of alcohol by volume; but none of the liquors mentioned in section 1 shall be sold for beverage purposes under the names therein mentioned, and the burden of proof shall be upon the one selling such beverage to show that the same contains less than one-half of 1 per cent of alcohol by volume."

Mr. BLANTON. On that amendment I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas asks for the yeas and nays.

The question of ordering the yeas and nays was taken, and 18 Members rose in the affirmative.

The SPEAKER. Not a sufficient number, and the yeas and nays are refused. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 179 ayes and 32 noes.

Mr. BLANTON. I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of no quorum, and the Chair will count. [After counting.] Two hundred and twenty Members, a quorum, and the amendment is agreed to. The next amendment on which a separate vote is demanded is the Barkley amendment to section 26, which the Clerk will report.

The Clerk read as follows:

Page 25, line 11, after the word "such," insert the following: "Unless it is being used for the unlawful sale of intoxicating liquor or."

The SPEAKER. The question is on agreeing to the amendment.

The question was being taken, when Mr. IGOE demanded the yeas and nays.

The question of ordering the yeas and nays was taken, and 49 Members arose.

The SPEAKER. Forty-nine Members, not a sufficient number.

Mr. IGOE. I ask for the other side.

The other side was taken; 176 Members arose, and 49 being a sufficient number the yeas and nays were ordered.

The question was taken; and there were—yeas 208, nays 166; not voting 56, as follows:

YEAS—208.

Alexander	Campbell, Kans.	Dowell	Hawley
Anderson	Candler	Elliott	Hayden
Andrews, Nebr.	Cannon	Ellsworth	Hernandez
Anthony	Cantrill	Emerson	Hersey
Ayres	Caraway	Esch	Hersman
Baer	Carter	Evans, Nebr.	Hickey
Bankhead	Chindblom	Ferris	Hill
Barbour	Christopherson	Fess	Hoch
Barkley	Cole	Fields	Houghton
Begg	Connally	Fisher	Howard
Bell	Cooper	Fordney	Hudspeth
Black	Copley	Foster	Jacoway
Bland, Ind.	Costello	Frear	James
Blanton	Cramton	French	Johnson, Ky.
Boles	Crisp	Fuller, Mass.	Johnson, S. Dak.
Bowers	Crowther	Gandy	Johnson, Wash.
Box	Currie, Mich.	Good	Jones, Tex.
Brand	Dallinger	Goodwin, Ark.	Kearns
Briggs	Darrow	Graham, Ill.	Kelley, Mich.
Brinson	Davey	Green, Iowa	Kelly, Pa.
Brumbaugh	Davis, Minn.	Greene, Vt.	Kendall
Burrighs	Davis, Tenn.	Hadley	Kennedy, Iowa
Butler	Dempsey	Hardy, Colo.	Kiess
Byrns, Tenn.	Dickinson, Mo.	Hastings	Kincheloe
	Dickinson, Iowa	Haugen	Kinkaid

Kitchin	Murphy	Rose	Tillman
Knutson	Nelson, Wis.	Rubey	Timberlake
Kreider	Newton, Minn.	Rucker	Tincher
Langley	Newton, Mo.	Sanders, Ind.	Towner
Lanham	Oldfield	Sanders, La.	Upshaw
Lankford	Oliver	Sanders, N. Y.	Valle
Larsen	Osborne	Scott	Venable
Layton	Overstreet	Sells	Vestal
Little	Padgett	Sims	Vinson
Luce	Park	Sinnott	Volstead
Luhning	Parrish	Smith, Idaho	Walters
McCulloch	Peters	Smith, Ill.	Webb
McFadden	Quin	Smith, Mich.	Webster
McKenzie	Rainey, H. T.	Snell	Wellington
McKeown	Raker	Steagall	Welty
McKinley	Ramseyer	Stedman	Whaley
McLaughlin, Mich.	Randall, Calif.	Steenerson	Wheeler
McLaughlin, Nebr.	Randall, Wis.	Strong, Kans.	White, Kans.
MacGregor	Rayburn	Strong, Pa.	White, Me.
Mapes	Reavis	Summers, Wash.	Williams
Mays	Reed, N. Y.	Summers, Tex.	Wingo
Michener	Reed, W. Va.	Sweet	Wise
Miller	Ricketts	Taylor, Colo.	Wood, Ind.
Mondell	Riddick	Taylor, Tenn.	Woodyard
Moore, Ohio	Robinson, N. C.	Temple	Yates
Morgan	Robison, Ky.	Thomas	Young, N. Dak.
Mott	Romjue	Thompson, Okla.	Young, Tex.

NAYS—166.

Ackerman	Evans, Nev.	Longworth	Rainey, J. W.
Almon	Fitzgerald	Lufkin	Ramsey
Aswell	Flood	McAndrews	Reber
Babka	Gallagher	McArthur	Rhodes
Bacharach	Gallivan	McBride	Riordan
Bee	Gandy	McGlenn	Rodenberg
Blackmon	Gard	McKiniry	Rogers
Bland, Mo.	Gariand	McLane	Rowan
Bland, Va.	Garner	McPherson	Sabath
Booher	Garrett	MacCrane	Sanford
Britten	Glynn	Madden	Saunders, Va.
Brooks, Pa.	Goldfogle	Magee	Sears
Browning	Goodykoontz	Maher	Sherwood
Buchanan	Gould	Major	Siegel
Burdick	Graham, Pa.	Mansfield	Small
Burke	Griffin	Martin	Smith, N. Y.
Byrnes, S. C.	Hamill	Mead	Smithwick
Campbell, Pa.	Haskell	Merritt	Snyder
Carew	Hays	Minahan, N. J.	Stephens, Miss.
Cars	Heflin	Monahan, Wis.	Stephens, Ohio
Casey	Holland	Montague	Stevenson
Clark, Mo.	Huddleston	Moon	Stiness
Classon	Hullings	Mooney	Sullivan
Cleary	Hull, Iowa	Moore, Pa.	Thompson, Ohio
Condy	Humphreys	Moore, Va.	Tinkham
Collier	Husted	Moore, Ind.	Treadway
Crago	Igoe	Morin	Vare
Cullen	Jeffers	Mudd	Voigt
Curry, Calif.	Johnson, Miss.	Nelson, Mo.	Walsh
Denison	Johnston, N. Y.	Nichols, Mich.	Ward
Dent	Juhl	Nolan	Watkins
Domnick	Kahn	O'Connell	Watson, Pa.
Donovan	Kennedy, R. I.	Ogden	Watson, Va.
Dooling	Klecza	Olney	Weaver
Doremus	Kraus	Paige	Wilson, Ill.
Drane	LaGuardia	Parker	Wilson, La.
Dunbar	Lampert	Pell	Wilson, Pa.
Dunn	Lazaro	Phelan	Winslow
Dupré	Lea, Calif.	Porter	Woods, Va.
Dyer	Lehlbach	Pou	Zihlman
Eagan	Linthicum	Radcliffe	
Elston	Loneragan	Ragsdale	

NOT VOTING—56.

Andrews, Md.	Fairfield	Ireland	Parnell
Ashbrook	Focht	Jones, Pa.	Rouse
Benham	Freeman	Kettner	Rowe
Benson	Fuller, Ill.	King	Schall
Browne	Godwin, N. C.	Lee, Ga.	Scully
Caldwell	Goodall	Leshner	Shreve
Clark, Fla.	Greene, Mass.	Lever	Sinclair
Dale	Griest	McClintic	Sisson
Dewalt	Hamilton	Mann	Slomp
Doughton	Hardy, Tex.	Mason	Steele
Eagle	Harrison	Neely	Taylor, Ark.
Echols	Hicks	Nicholls, S. C.	Tilson
Edmonds	Hull, Tenn.	O'Connor	Wason
Evans, Mont.	Hutchinson	Platt	Wright

So the amendment was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. DOUGHTON (for) with Mr. HARDY of Texas (against).

Until further notice:

Mr. BENHAM with Mr. EAGLE.

Mr. GREENE of Massachusetts with Mr. HARRISON.

Mr. SINCLAIR with Mr. STEELE.

Mr. WASON with Mr. WRIGHT.

Mr. EAGLE. Mr. Speaker, I would like to vote "no."

The SPEAKER. Was the gentleman present when his name was called?

Mr. EAGLE. No.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

The SPEAKER. The next amendment upon which a separate vote was demanded is the amendment in line 3 on page 2 of the bill, which the Clerk will report. This is the amendment which the gentleman from Minnesota [Mr. VOLSTEAD] asked that there

should be a separate vote upon. Will the gentleman be more specific, as there are two amendments at that point.

Mr. VOLSTEAD. It is the amendment after the word "shall."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. BENSON: Page 2, line 3, after the word "shall," insert the word "hereafter."

Mr. VOLSTEAD. There are two amendments meaning the same thing, and one of them ought to be stricken out.

The SPEAKER. The question is on agreeing to the amendment.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. Is this just for the correction of the text, by striking out unnecessary words?

The SPEAKER. The Clerk will again report the amendment.

The Clerk again reported the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The next amendment on which a separate vote is demanded is to section 35, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STEELE: Page 30, line 18, strike out the colon and the word "provided," also lines 19 and 20, and insert the following: "but such liquors must be used for the personal consumption of the owner thereof and his family residing in such dwelling, of his bona fide guests when entertained by him therein; and the burden of proof shall be upon the possessor to prove that such liquor was lawfully acquired and used."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. VOIGT. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER. The gentleman from Wisconsin demands the reading of the engrossed bill. Obviously that is impossible.

Mr. IGOE. Mr. Speaker, the engrossed bill not being here to be read at this time, it will not preclude the offering of a motion to recommit after it is read?

The SPEAKER. The motion to recommit will be in order after the reading of the engrossed bill.

Mr. VOLSTEAD. Mr. Speaker, would it be in order now to ask that the Clerk be authorized to renumber the sections?

The SPEAKER. The Chair thinks so.

Mr. VOLSTEAD. Then I ask unanimous consent that the Clerk be authorized to renumber the sections.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the Clerk be authorized to renumber the sections. Is there objection?

Mr. SABATH. Mr. Speaker, I object.

Mr. IGOE. Mr. Speaker, I ask unanimous consent that the following motion to recommit, which I desire to present at the proper time, be printed in the RECORD at this point for the information of Members.

The SPEAKER. The gentleman from Missouri asks unanimous consent that he may have printed in the RECORD at this point a motion to recommit, which he intends to offer. Is there objection?

There was no objection.

The motion to recommit is as follows:

Mr. IGOE moves to recommit the bill H. R. 6810 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

"That whoever, on or after the date when the eighteenth amendment to the Constitution of the United States goes into effect, shall knowingly manufacture, sell, or transport within the United States, or import into the United States or export from the United States, any intoxicating liquor for beverage purposes shall be fined not more than \$500 or imprisoned not more than one year, or both, and for a second or subsequent offense shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

"SEC. 2. That the Commissioner of Internal Revenue, his assistants, agents, and inspectors shall investigate and report violations of this act to the United States attorney for the district in which committed, who is hereby charged with the duty of prosecuting the offenders, subject to the direction of the Attorney General, as in the case of other offenses against the laws of the United States; and the Commissioner of Internal Revenue, his assistants, agents, and inspectors may swear out warrants before the United States commissioners or other officers or courts authorized to issue the same for the apprehension of such offenders. Section 1014 of the Revised Statutes of the United States is hereby made applicable in the enforcement of this act."

"SEC. 3. That the Commissioner of Internal Revenue and the Attorney General of the United States are hereby respectively authorized to appoint and employ such assistants, experts, clerks, and other employees as they may deem necessary for the enforcement of the provisions of this act, and there is hereby authorized to be appropriated such sums as may be required for the enforcement of this act."

EXTENSION OF REMARKS.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. GALLIVAN. Mr. Speaker, I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DOUGHTON, for one week on account of sickness in family.

To Mr. SEARS, for to-day on account of important business.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 8 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Tuesday, July 22, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting a proposed paragraph of legislation for inclusion in the next appropriation bill to be considered by Congress (H. Doc. No. 154); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of Commerce, transmitting a letter calling the attention of the House of Representatives to House Document No. 88, Sixty-sixth Congress, first session (H. Doc. No. 155); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SANDERS of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 1362) to authorize Hiram I. Sage, a citizen of Baldwin County, Ala., to construct and maintain a bridge across the Perdido River at or near Nunez Ferry, reported the same without amendment, accompanied by a report (No. 136), which said bill and report were referred to the House Calendar.

Mr. WATSON of Virginia, from the Committee on the Territories, to which was referred the bill (H. R. 546) to authorize the governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those eligible under the terms of said agreements, reported the same without amendment, accompanied by a report (No. 138), which said bill and report were referred to the Committee of the Whole House on the State of the Union.

Mr. DOWELL, from the Committee on the Territories, to which was referred the bill (H. R. 3654) to authorize the governor of the Territory of Hawaii to acquire privately owned lands and rights of way within the boundaries of the Hawaii National Park, reported the same without amendment, accompanied by a report (No. 139), which said bill and report were referred to the Committee of the Whole House on the State of the Union.

Mr. SNYDER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 5007), granting citizenship to certain Indians, reported the same with amendments, accompanied by a report (No. 140), which said bill and report were referred to the House Calendar.

Mr. STEENERSON, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 6951) authorizing the return to the sender or the forwarding of undeliverable second, third, and fourth class mail matter, reported the same without amendment, accompanied by a report (No. 142), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KELLY of Pennsylvania, from the Committee on Claims, to which was referred the bill (H. R. 6377) for the relief of Faxon, Horton & Gallegher; Long Bros. Grocery Co.; A. Rieger;

Rothenberg & Schloss; Riley, Wilson & Co.; and Van Noy News Co., reported the same without amendment, accompanied by a report (No. 137), which said bill and report were referred to the Private Calendar.

Mr. FULLER of Illinois, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 7657) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 141), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FERRIS: A bill (H. R. 7622) providing for cooperation between the United States and State Governments in the acquirement of homes for soldiers, sailors, and marines, and for other purposes; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: A bill (H. R. 7623) providing for the protection of the national forests from the menace of fire, and for other purposes; to the Committee on Appropriations.

By Mr. KELLY of Pennsylvania: A bill (H. R. 7624) providing for the sale and distribution of the surplus merchandise, commodities, and foodstuffs in the possession of the War Department, or such merchandise, commodities, and foodstuffs as may hereafter be declared surplus by the War Department; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 7625) for the protection of timber on the public lands from forest fires; to the Committee on Appropriations.

By Mr. SWEET: A bill (H. R. 7626) to amend the war-risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: A bill (H. R. 7627) to authorize and direct the erection at the United States Naval Academy at Annapolis of a bronze tablet carrying the names of the graduates of the United States Naval Academy who were killed in battle or died of wounds received in battle during the recent European war; to the Committee on Naval Affairs.

Also, a bill (H. R. 7628) to authorize and direct the erection at the United States Military Academy at West Point of a bronze tablet carrying the names of the graduates of the United States Military Academy who were killed in battle or who died of wounds received in battle during the recent European war; to the Committee on Military Affairs.

By Mr. WALSH: A bill (H. R. 7629) to amend the penal laws of the United States; to the Committee on the Judiciary.

By Mr. DYER: A bill (H. R. 7630) to punish thefts of motor vehicles, and for other purposes; to the Committee on the Judiciary.

By Mr. KALANIANA'OLE: A bill (H. R. 7631) to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900; to the Committee on the Territories.

Also, a bill (H. R. 7632) to amend section 2 of an act entitled "An act to ratify, approve, and confirm sections 1, 2, and 3 of an act duly enacted by the Legislature of the Territory of Hawaii relating to the board of harbor commissioners of the Territory, as herein amended, and amending the laws relating thereto"; to the Committee on the Territories.

Also, a bill (H. R. 7633) to amend section 73 of an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended by an act approved April 2, 1908, and as further amended by an act approved May 27, 1910; to the Committee on the Territories.

By Mr. SMITH of Idaho: A bill (H. R. 7634) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and establishment of rural homes to those who have served with the military and naval forces; to the Committee on the Public Lands.

By Mr. OSBORNE: A bill (H. R. 7635) to authorize exploration for and disposition of oil and gas; to the Committee on the Public Lands.

By Mr. OLDFIELD: A bill (H. R. 7636) donating a captured German cannon or field gun and carriage to the city of Salem, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7637) donating a captured German cannon or field gun and carriage to the city of Williford, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7638) donating a captured German cannon or field gun and carriage to the city of Imboden, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7639) donating a captured German cannon or field gun and carriage to the city of Walnut Ridge, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7640) donating a captured German cannon or field gun and carriage to the city of Black Rock, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7641) donating a captured German cannon or field gun and carriage to the city of Pochontas, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7642) donating a captured German cannon or field gun and carriage to the city of Hardy, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7643) donating a captured German cannon or field gun and carriage to the city of Evening Shade, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7644) donating a captured German cannon or field gun and carriage to the city of Newark, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7645) donating a captured German cannon or field gun and carriage to the city of Tuckerman, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7646) donating a captured German cannon or field gun and carriage to the city of Quitman, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7647) donating a captured German cannon or field gun and carriage to the city of Calico Rock, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7648) donating a captured German cannon or field gun and carriage to the city of Mount View, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7649) donating a captured German cannon or field gun and carriage to the city of Hazen, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7650) donating a captured German cannon or field gun and carriage to the city of Des Arc, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7651) donating a captured German cannon or field gun and carriage to the city of Devall Bluff, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7652) donating a captured German cannon or field gun and carriage to the city of Clarendon, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7653) donating a captured German cannon or field gun and carriage to the city of Brinkley, State of Arkansas, for decorative and patriotic purposes; to the Committee on Military Affairs.

By Mr. REED of New York: A bill (H. R. 7654) authorizing the Secretary of War to donate to the city of Fredonia, N. Y., two German cannons or fieldpieces, with accompaniments; to the Committee on Military Affairs.

By Mr. GARLAND: A bill (H. R. 7655) granting pensions to soldiers confined in so-called Confederate prisons; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 7656) to repeal the act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, and to repeal all acts and parts of acts amendatory thereof, and to provide for the disposition of all property acquired under and by virtue of the same; to the Committee on Public Buildings and Grounds.

By Mr. FULLER of Illinois: A bill (H. R. 7657) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. RHODES: A bill (H. R. 7658) fixing a duty on crude barytes, barium sulphate, and barium compounds; to the Committee on Ways and Means.

Mr. WHITE of Maine: A bill (H. R. 7659) to amend an act entitled "An act to authorize the establishment of a bureau of war-risk insurance in the Treasury Department," approved September 2, 1914; to the Committee on Interstate and Foreign Commerce.

By Mr. HARDY of Texas: A bill (H. R. 7660) to protect the coastwise trade of the United States, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. LARSEN: A bill (H. R. 7700) making appropriation for combating and suppressing influenza and allied diseases in the United States of America and its possessions, and to conduct investigation and experimental work in such territory with a view of discovering the cause of, a cure for, prevention of, and mode of transmission of such diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT: A bill (H. R. 7701) to amend section 902 of the revenue act of 1918; to the Committee on Ways and Means.

By Mr. BAER: A bill (H. R. 7702) to grant one year's extra pay to the members of the military and naval forces of the United States as partial compensation for their sacrifices and to assist them during the period of readjustment; to the Committee on Ways and Means.

By Mr. DYER: Resolution (H. Res. 186) requesting the Interstate Commerce Commission to make certain investigations regarding the present and future supply of tie timber; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Resolution (H. Res. 187) requesting the Bureau of Chemistry to report to the House of Representatives certain information regarding the canned salmon condemned by the War Department; to the Committee on Agriculture.

By Mr. EMERSON: Joint resolution (H. J. Res. 153) directing the Railroad Administration to abrogate the rule against prepaid tickets; to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: Memorial from the Legislature of the Territory of Hawaii requesting the Congress of the United States to increase the compensation of the members of the Legislature of Hawaii; to the Committee on the Territories.

By Mr. DENISON: Memorial from the Legislature of the State of Illinois favoring a later open season for shooting wild ducks and geese; to the Committee on Agriculture.

By Mr. KALANIANA'OLE: Memorial from the Territory of Hawaii praying that Territorial lands be set aside as homes for people of Hawaiian blood; to the Committee on the Territories.

Also, memorial from the Legislature of the Territory of Hawaii asking Congress to increase the salaries of the Territorial judges; to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 7661) for the relief of Benjamin F. Dayton; to the Committee on Military Affairs.

Also, a bill (H. R. 7662) for the relief of Warren C. Isham; to the Committee on Naval Affairs.

Also, a bill (H. R. 7663) for the relief of George W. Bryant; to the Committee on Military Affairs.

Also, a bill (H. R. 7664) granting an increase of pension to Michael Fogarty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7665) granting a pension to Rhoda A. Beatty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7666) granting a pension to Horatio N. Carlton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7667) granting a pension to Feronka Dotzenrot; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7668) granting a pension to John Harold Henry; to the Committee on Pensions.

By Mr. BEGG: A bill (H. R. 7669) granting an increase of pension to Horace B. Scoville; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 7670) granting a pension to Henry Brooks; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 7671) granting a pension to Martha A. Bell; to the Committee on Pensions.

By Mr. DUNBAR: A bill (H. R. 7672) granting an increase of pension to Agnes M. Sims; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 7673) for the relief of the Missouri Pants Manufacturing Co.; to the Committee on War Claims.

By Mr. FIELDS: A bill (H. R. 7674) for the relief of Charles T. Clayton; to the Committee on Claims.

By Mr. IGOE: A bill (H. R. 7675) granting an increase of pension to Elizabeth Voneky; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7676) granting a pension to Mary Michel and minor child, Helen Michel; to the Committee on Pensions.

By Mr. KIESS: A bill (H. R. 7677) granting an increase of pension to Daniel Robb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7678) granting a pension to John Yoder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7679) granting an increase of pension to Samuel Michael; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7680) granting an increase of pension to Jessie Byerly; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 7681) granting an increase of pension to John J. Riggs; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 7682) for the relief of the heirs of Michael Carling, assignee of Joseph R. Shannon, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7683) granting a pension to John H. Warren; to the Committee on Pensions.

By Mr. McPHERSON: A bill (H. R. 7684) granting a pension to James M. Robison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7685) granting an increase of pension to Constantine P. Berry; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 7686) for the relief of Eli Pettyjohn; to the Committee on Claims.

By Mr. OGDEN: A bill (H. R. 7687) granting a pension to John J. Tully; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 7688) granting an increase of pension to Samuel Holderman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7689) granting a pension to Lillian May Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7690) granting a pension to Susannah Cooper; to the Committee on Invalid Pensions.

By Mr. ROBSON of Kentucky: A bill (H. R. 7691) granting a pension to George W. Peters and N. Ellen Peters; to the Committee on Pensions.

Also, a bill (H. R. 7692) granting a pension to Elizabeth Cravens; to the Committee on Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 7693) for the relief of Benjamin S. Bailey; to the Committee on Military Affairs.

Also, a bill (H. R. 7694) granting a pension to John H. Hayman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7695) granting a pension to Marinda E. Hays; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 7696) granting an increase of pension to Eva Shaw; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 7697) granting an increase of pension to Mortimer L. Woodward; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 7698) granting a pension to Mary A. Lavery; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 7699) granting an increase of pension to John Coombs; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: Joint resolution (H. J. Res. 154) to provide amnesty for Charles A. McAnally, private in the United States Army and a member of the United States Engineers, restoring him to his pay and his position in the Army of the United States; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Adam Mickiewicz Club, Polish Alma Mater, of the United States of North America, against Senate bill 2099, relating to newspapers, magazines, etc., printed in a foreign language; to the Committee on Printing.

Also, petition of National Council, World War Veterans, urging payment of the balance of \$120 bonus to each soldier, sailor, and marine; to the Committee on Military Affairs.

By Mr. CANDLER: Petition of S. B. Street & Son and others and Johnston & Cains and others, of Columbus; J. A. Stovall and others, of Shannon; and F. W. Duckworth and others, of Booneville, all in the State of Mississippi, for repeal of luxury tax; to the Committee on Ways and Means.

By Mr. CANNON: Petition of Lithuanian Alliance of America, Lodge No. 29, and American citizens of Lithuanian descent, of Westville, Ill., requesting the United States Government to recognize the present Lithuanian Government and to render it

moral and material assistance; to the Committee on Foreign Affairs.

By Mr. DENISON: Petition of sundry citizens of Ullin and Evansville, Ill., regarding taxes on candy, ice cream, and soda-fountain foods and drinks; to the Committee on Ways and Means.

By Mr. HUDSPETH: Petition of El Paso Chamber of Commerce indorsing National Association for the Protection of American Rights in Mexico; to the Committee on Foreign Affairs.

By Mr. JOHNSTON of New York: Petition of Federal Employees' Union of New York, 5,000 strong, protesting against the Good amendment to the Nolan minimum wage bill; to the Committee on Labor.

By Mr. LINTHICUM: Petition of Baltimore Chewing Gum Co., of Baltimore, Md., for the repeal of the tax on candy, etc.; to the Committee on Ways and Means.

Also, petition of Cephas M. Lewis & Sons of Baltimore, Md., protesting against the passage of Senate bill 2202 and Senate bill 2199; to the Committee on Interstate and Foreign Commerce.

Also, petition of Citizens' National Bank, the Thomas J. Kurde Co., and the National Bank of Baltimore, all of Baltimore, Md., opposing Senate bill 2202; to the Committee on Agriculture.

Also, petition of Phil F. Wirlrot, Baltimore, Md., urging passage of a bill providing bonus of one year's pay for all service men; to the Committee on Military Affairs.

Also, petition of Monumental Lodge No. 567, Brotherhood of Railway Clerks, Baltimore, Md., urging exemption of 2½ per cent beer; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of Polish Alma Mater of Chicago, Ill., and of the Polish Publishing Co., of Chicago, in opposition to Senate bill 2099; to the Committee on the Judiciary.

By Mr. McARTHUR: Petition of sundry citizens of Hillsboro, Oreg., for the repeal of tax on soft drinks, ice cream, and sodas, etc.; to the Committee on Ways and Means.

By Mr. MICHENER: Petition of Charles Preketes, C. E. Bird, and other citizens of Ann Harbor, Mich., urging repeal of tax on sodas, soft drinks, and ice cream and soda fountain foods and drinks; to the Committee on Ways and Means.

By Mr. NEWTON of Missouri: Petition of the Tenth Ward Improvement Association of St. Louis, Mo., protesting against enforcement of the Volstead prohibition bill; to the Committee on the Judiciary.

By Mr. O'CONNELL: Petition of Holy Name Society of our Lady of Good Counsel, of Brooklyn, N. Y., by William J. Kelly, opposing the Smith-Towner bill, or any similar bill; to the Committee on Education.

Also, petition of Polish Publishing Co., of Chicago, Ill., against Senate bill 2099, relating to newspapers, magazines, etc., printed in a foreign language; to the Committee on Printing.

Also, petition of C. D. Huyler, of New York, for the repeal of the tax on candy, sodas, soft drinks, and ice cream, etc.; to the Committee on Ways and Means.

By Mr. RANDALL of Wisconsin: Petition of the Lithuanian Society, Draugyste R. K. Po G. Sv. Petro, of Kenosha, Wis., requesting the United States Government to recognize the complete independence of the Lithuanian Republic; to the Committee on Foreign Affairs.

Also, petition of the common council of the city of Milwaukee, Wis., to amend the wireless ship act to include all seafaring vessels that carry passengers and crews above a certain limit; to the Committee on Naval Affairs.

Also, petition of A. W. Johnson, John J. Keane, and 96 other citizens of Janesville, Wis., for the repeal of tax on candy, ice cream, and soda-fountain foods and drinks; to the Committee on Ways and Means.

By Mr. ROWAN: Petition of Polish Alma Mater, of Chicago, Ill., and of the Polish Publishing Co., of Chicago, Ill., in opposition to Senate bill 2099; to the Committee on the Judiciary.

Also, petition of League of Foreign-Born Citizens, urging passage of Smith-Towner bill; to the Committee on Education.

By Mr. SNYDER: Communication from the Clinton, N. Y., Grange, protesting against the enactment of the so-called Lane reclamation plan; to the Committee on Agriculture.

Also, petition of various merchants and business men of Utica, N. Y., and vicinity, against the enactment of the so-called Kenyon-Kendrick license measures; to the Committee on Agriculture.

By Mr. STINESS: Petition of Padraic Pearse Branch, Friends of Irish Freedom, of Woonsocket, R. I., requesting investigation of propaganda directed against American institutions to break

down American policies and to involve United States in purely European affairs; to the Committee on Rules.

By Mr. WINSLOW: Petition of Quinsigamond Val Lodge, No. 1, International Order of Good Templars, in respect of enforcement of eighteenth amendment to the United States Constitution, etc.; to the Committee on the Judiciary.

By Mr. YATES: Petition of Gottfried Tinzmann, Chicago, Ill., containing protest against ratification of the league of nations; to the Committee on Foreign Affairs.

Also, petition of Social and Mutual Advancement Association of the Blind, urging the Congress and the President to make liberal appropriations for the American Printing House for the Blind; to the Committee on Appropriations.

Also, petition of Cincinnati Milling Machine Co., of Cincinnati, Ohio, by Dr. Otto P. Geier, secretary, urging appropriation of \$1,500,000 for investigation of causes of influenza; to the Committee on Appropriations.

Also, petition of Mr. H. S. Jeffery, chairman advisory board Philadelphia and Camden Federations of Pennsylvania Systems Lines, Philadelphia, Pa., urging Congress to pass the Plum plan of ownership and operation of railroads; to the Committee on Interstate and Foreign Commerce.

Also, petitions of L. W. Meckstroth, president Woodstock Typewriter Co., Chicago, Ill., and Mechanics Machine Co., Rockford, Ill., containing protests against House joint resolution 121 concerning conference regarding relations between capital and labor; to the Committee on Labor.

Also, petitions of H. C. Thom, W. C. Graham, and R. A. Stearns, all of Chicago, Ill., containing protests against the Kendrick bill (S. 2199) and the Kenyon bill (S. 2202) concerning the packing industry; to the Committee on Ways and Means.

Also, petition of National Pickle Packers' Association, Mr. F. A. Vickers, secretary, Chicago, Ill., urging retention of zone advances on advertising pages in periodicals; to the Committee on the Post Office and Post Roads.

Also, petition of the committee on legislation and facts of the Motion Picture Exhibitors of America (Inc.), by Louis F. Blumenthal, chairman, urging repeal of the admission of film rental and increased seat taxes; to the Committee on Ways and Means.

SENATE.

TUESDAY, July 22, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee this morning ever dependent upon Thy guidance and Thy blessing. In the midst of the world's confusion, in the midst of the blood that runs high, in the midst of antagonisms of race and of peoples, we come to Thee. Thou art the God of order and of law. We pray that as Thou hast called us to this high and holy office we may follow the Divine commandments and work out the plans for the protection of the world in the interest of peace, and establish above all things a reign of righteousness among men. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 5726. An act to fix the compensation of certain employees of the United States;

H. R. 6810. An act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries; and

H. J. Res. 147. Joint resolution to ratify and confirm from and including July 1, 1919, obligations incurred pursuant to the terms of certain appropriations for the fiscal year 1920.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair presents a petition from the Legislature of the Territory of Hawaii, which will be printed in the Record and referred to the Committee on Pacific Islands and Porto Rico.

The petition is as follows:

EXECUTIVE CHAMBER,
Honolulu, Hawaii, July 7, 1919.

The honorable the PRESIDENT OF THE SENATE,
Washington, D. C.

Sir: I have the honor to transmit herewith, at the request of the Tenth Legislature of the Territory of Hawaii, senate concurrent resolution No. 32.

Very truly, yours,

C. J. MCCARTHY,
Governor of Hawaii.

Concurrent resolution.

Whereas a substantial increase in the compensation of the officers and employees of the Territory of Hawaii and its political subdivisions is warranted by the high cost of living which now exists and which will probably become much higher in the immediate future on account of the tremendous demand for foodstuffs, materials, and supplies of all descriptions; and

Whereas the Legislature of the Territory of Hawaii for the year 1919, fully appreciating the seriousness of the situation, has, by proper legislation, substantially increased the compensation of practically all such officers and employees; and

Whereas there are certain officers, namely, the members of the Legislature of the Territory of Hawaii, and the governor, whose compensation can only be fixed by the Congress of the United States, and who are entitled to have such compensation increased: Therefore, be it

Resolved by the Senate of the Legislature of the Territory of Hawaii (the House of Representatives concurring), That the Congress of the United States be, and it is hereby, respectfully requested to enact such legislation as shall increase the compensation of the members of the legislature from the sum of \$600 to the sum of \$1,000 for each regular session thereof, and as shall increase the compensation from the sum of \$200 to the sum of \$500 for each special session of the Legislature of the Territory of Hawaii, and as shall increase the compensation of the governor of Hawaii from the sum of \$7,000 per annum to the sum of \$10,000 per annum: Be it further

Resolved, That the governor of the Territory of Hawaii be, and he is hereby, respectfully requested to transmit copies of this resolution to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States of America and to the Secretary of the Interior of the United States, and to the Delegate from Hawaii.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 29, 1919.

We hereby certify that the foregoing resolution was adopted by the Senate of the Territory of Hawaii on April 29, A. D. 1919.

CHAS. F. CHILLINGWORTH,
President of the Senate.

O. P. SOARES,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII,
Honolulu, Hawaii, April 30, 1919.

We hereby certify that the foregoing resolution was adopted in the House of Representatives of the Territory of Hawaii on April 30, A. D. 1919.

H. L. HOLSTEIN,
Speaker House of Representatives.

EDWARD WOODWARD,
Clerk House of Representatives.

Mr. CURTIS. I present a couple of telegrams protesting against the schedule of discounts issued by the Grain Corporation. I ask that they be printed in the Record and referred to the Committee on Agriculture and Forestry.

There being no objection, the telegrams were referred to the Committee on Agriculture and Forestry and ordered to be printed in the Record, as follows:

BELLEVILLE, KANS., July 21, 1919.

Senator CHARLES CURTIS, Washington, D. C.:

Schedule of discounts issued by United States Grain Corporation is a hardship on wheat growers of Kansas. We pray that you will give this matter your consideration and that you will make recommendations that may result in a revision of these exorbitant discounts and assist the growers of Kansas in securing a reasonable price for their low-grade wheat.

R. B. WARD
(And 100 others).

HUTCHINSON, KANS.

Senator CHARLES CURTIS, Washington, D. C.:

Farmers of Reno County in mass convention assembled protest vigorously against action of Grain Corporation on cumulative and excessive discounts on lower grades of wheat; also against action of Grain Corporation in refusing licenses to competitive exporters. Grain Corporation's yield of Reno County wheat will not average over 10 bushels per acre and will not test over No. 3.

SHERIDAN PLOUGH,
JOHN ROWLAND,
J. W. HAMILTON,
T. F. SMYTHE,
PETER DECK,
JOSEPH McGUIRE,
Committee.

R. A. ELWARD,
President.

Mr. SHEPPARD. I present a resolution of the El Paso Chamber of Commerce indorsing the National Association for the Protection of American Rights in Mexico, which I ask to have printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows: